Manual for Mental Hospitals, Bombay Presidency

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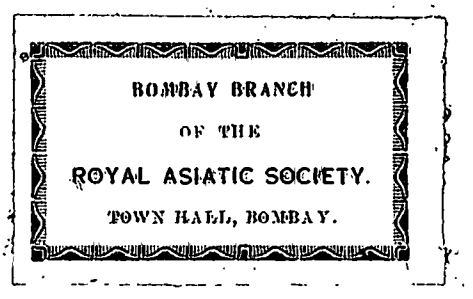

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PREFACE.

This Manual is issued under the orders of the Government of Bombay.

It has been suggested and compiled by Lieutenant-Colonel W. S. J. Shaw, M.D., I.M.S., Superintendent, Central Hospital for Mental Diseases, Yeravda, under whose instructions Mr. John De Mello, I.S.O., late Superintendent of the Surgeon General's Office, has prepared it for the press.

The separate publication in handy form of the enactments, regulations, etc., governing the administration of lunacy in all its branches in the Presidency, has been considered necessary for some time, and this Manual contains in addition the full official instructions and details of procedure for the use of Magistrates and Medical Officers and Practitioners dealing with the subject.

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THE INDIAN LUNACY ACT, 1912 (IV OF 1912), as amended by the Indian Lunacy Amendment Act, VI of 1922, the Devolution Act, XXXVIII of 1920, and the Indian Lunacy Amendment Act, XXXII of 1923.

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ACT No. IV OF 1912

(with the amendments made by subsequent Acts mentioned on page 1)

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(Received the assent of the Governor General on the 16th March 1912.)

An Act to consolidate and amend the law relating to Lunacy.

WHEREAS it is expedient to consolidate and amend the law relating to lunacy; It is hereby enacted as follows :—

PART I.

Preliminary.

CHAPTER I.

Short title and extent.

1. (*1*) This Act may be called the Indian Lunacy Act, 1912.

(*2*) It extends to the whole of British India, including British Baluchistan, the Santhal Parganas, and the Pargana of Spiti.

Savings.

2. Nothing contained in Part II shall be deemed to affect the powers of any High Court which is or hereafter may be constituted by His Majesty by Letters Patent, over any person found to be a lunatic by inquisition or over the property of such lunatic, or the rights of any person appointed by such Court as guardian of the person or manager of the estate of such lunatic.

24 & 25 Vict., c. 100 to 1 & 2 Geo., 5, c. 18.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "asylum" means an asylum or mental hospital [*vide* Indian Lunacy (Amendment) Act (VI of 1922)] for lunatics established or licensed by any Government in British India:

(*2*) "cost of maintenance" in an asylum includes the cost of lodging, maintenance, clothing, medicine and care of a lunatic and any expenditure incurred in removing such lunatic to and from an asylum, together with any other charges specified in this behalf by the Provincial Government, in exercise of any power conferred upon him by this Act [*vide* paragraph 2 of the Indian Lunacy (Amendment) Act (VI of 1922)]:

(*3*) "District Court" means the principal Civil Court of original jurisdiction in any area outside the local limits for the time being of the Presidency-towns:

(*4*) "criminal lunatic" means any person for whose confinement in, or removal to an asylum, jail or other place of safe custody an order has been made in accordance with the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1898, or of section 30 of the Prisoners Act, 1900: V of 1898. III of 1900.

(*5*) "lunatic" means an idiot or person of unsound mind:

(*6*) "Magistrate" means a Presidency Magistrate, District Magistrate, Sub-Divisional Magistrate or a Magistrate of the first class specially empowered by the Local Government to perform the functions of a Magistrate under this Act:

(*7*) "medical officer" means a gazetted medical officer in the service of the Crown, and includes a medical practitioner declared by general or special order of the Local Government to be a medical officer for the purposes of this Act:

(*8*) "medical practitioner" means a holder of a qualification to practise medicine and surgery which can be registered in the United Kingdom in accordance with the law for the time being in force for the registration of medical practitioners, and includes any person declared by general or special order of the Local Government to be a medical practitioner for the purposes of this Act:

(Part I—Preliminary. Chap. I.

Part II—Reception, Care and Treatment of Lunatics. Chap II—Reception of Lunatics.)

(*9*) " prescribed " means prescribed by this Act or by rule made thereunder :

(*10*) " reception order " means an order made under the provisions of this Act for the reception into an asylum of a lunatic other than a lunatic so found by inquisition :

(*11*) " relative " includes any person related by blood, marriage or adoption : and

(*19*) " rule " means a rule made under this Act.

PART II.

Reception, Care and Treatment of Lunatics.

CHAPTER II.

Reception of Lunatics.

Reception of persons in asylum.

4. (*1*) No person other than a criminal lunatic or a lunatic so found by inquisition shall be received or detained in an asylum without a reception order save as provided by sections 8, 16 and 98 :

Provided that any person in charge of an asylum may, with the consent of two of the visitors of such asylum, which consent shall not be given except upon a written application from the intending boarder receive and lodge as a boarder in such asylum any person who is desirous of submitting himself to treatment.

(*2*) A boarder received in an asylum under the proviso to sub-section (*1*) shall not be detained in the asylum for more than twenty-four hours after he has given to the person in charge of the asylum notice in writing of his desire to leave such asylum.

Reception orders on petition.

Application for reception order.

5. (*1*) An application for a reception order shall be made by petition accompanied by a statement of particulars to the Magistrate within the local

limits of whose jurisdiction the alleged lunatic ordinarily resides, shall be in the form prescribed and shall be supported by two medical certificates on separate sheets of paper, one of which certificate shall be from a medical officer.

(*2*) If either of the medical certificates is signed by any relative, partner or assistant of the lunatic or of the petitioner, the petition shall state the fact, and, where the person signing is a relative, the exact manner in which he is related to the lunatic or petitioner.

(*3*) The petition shall also state whether any previous application has been presented for an inquiry into the mental capacity of the alleged lunatic in any Court; and if such application has been made, a certified copy of the order made thereon shall be attached to the petition.

(*4*) No application for a reception order shall be entertained in any area outside the Presidency-towns unless the Local Government has, by notification in the local official Gazette, declared such area as an area in which reception orders may be made.

Application by whom to be presented.

6. (*1*) Subject to the provisions of sub-section (*3*), the petition shall be presented by the husband or wife of the alleged lunatic, or if there is no husband or wife or the husband or wife is prevented by reason of insanity, absence from India or otherwise from making the presentation by the nearest relative of the alleged lunatic who is not so prevented.

(*2*) If the petition is not presented by the husband or wife or, where there is no husband or wife by nearest relative of the alleged lunatic, the petition shall contain a statement of the reasons why it is not so presented, and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(*Part II—Reception, Care and Treatment of Lunatics. Chap. II—Reception of Lunatics.*)

(*3*) No person shall present a petition unless he has attained the age of majority as determined by the law to which he is subject, and has within fourteen days before the presentation of the petition personally seen the said lunatic.

(*4*) The petition shall be signed and verified by the petitioner, and the statement of prescribed particulars by the person making such statement.

Procedure upon petition for reception order.

7. (*1*) Upon the presentation of the petition the Magistrate shall consider the allegations in the petition and the evidence of lunacy appearing by the medical certificates.

(*2*) If he considers that there are grounds for proceeding further, he shall personally examine the alleged lunatic unless for reasons to be recorded in writing he thinks it unnecessary or inexpedient so to do.

(*3*) If he is satisfied that a reception order may properly be made forthwith, he may make the same accordingly.

(*4*) If he is not so satisfied, he shall fix a date (notice whereof shall be given to the petitioner and to any other person to whom in the opinion of the Magistrate notice should be given) for the consideration of the petition, and he may make such further or other inquiries of or concerning the alleged lunatic as he thinks fit.

Detention of alleged lunatic pending inquiry.

8. Upon the presentation of the petition, the Magistrate may make such order as he thinks fit for the suitable custody of the alleged lunatic pending the conclusion of the inquiry.

Consideration of petition.

9. The petition shall be considered in private in the presence of the petitioner, the alleged lunatic (unless the Magistrate in his discretion otherwise directs), any person appointed by the alleged lunatic to represent him and such other persons as the Magistrate thinks fit.

Order.

10. (*1*) At the time appointed for the consideration of the petition, the Magistrate may either make a reception order or dismiss the petition, or may adjourn the same for further evidence or inquiry,

and may make such order as to the payment of the costs of the inquiry by the person upon whose application it was made, or out of the estate of the alleged lunatic if found to be of unsound mind, or otherwise as he thinks fit.

(*2*) If the petition is dismissed, the Magistrate shall record in writing his reasons for dismissing the same, and shall deliver or cause to be delivered to the petitioner a copy of such order.

Further provisions as to reception orders on petition.

11. No reception order shall be made under section 7 or section 10, save in the case of a lunatic who is dangerous and unfit to be at large, unless—

(*a*) the Magistrate is satisfied that the person in charge of an asylum is willing to receive the lunatic, and

(*b*) the petitioner or some other person engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic.

Power to appoint substitute for the person upon whose application a reception order has been made.

11A. (*1*) The Magistrate may, subject to the provisions of this section, by order in writing (hereinafter referred to as an order of substitution), transfer the duty and responsibilities under this Act of the person on whose petition a reception order has been made to any other person who is willing to undertake the same and such other person shall thereupon be deemed for the purpose of this Act to be the person on whose petition the reception order was made, and all references in this Act to such last mentioned person shall be construed accordingly.

Provided that no such order of substitution shall release the person upon whose petition the reception order was made or, if he is dead, his legal representative from any liability incurred before the order of substitution was made.

(*2*) Before making any order of substitution the Magistrate shall send a notice to the person upon whose petition the reception order was made, if he is alive, and to any relative of the lunatic to whom,

(Part II—Reception, Care and Treatment of Lunatics. Chap. II—Reception of Lunatics.)

in the opinion of the Magistrate, notice should be given; the notice shall specify the name of the person in whose favour it is proposed to make such order and the date which shall be not less than 20 days from the sending of the notice upon which any objection to the making of the order will be considered.

(*3*) On such date or any subsequent date to which the proceedings may be adjourned, the Magistrate shall consider any objection made by any person to whom notice has been sent, or by any other relative of the lunatic, and shall receive all such evidence as may be produced by or on behalf of any of such person and such further evidence, if any, as the Magistrate thinks necessary, and may thereafter make or refrain from making an order of substitution.

Provided that, if the person on whose petition the reception order was made is dead and any other person is willing and, in the opinion of the Magistrate fitted to undertake the duties and responsibilities under this Act of such first mentioned person, the Magistrate shall make such an order.

(*4*) If in proceedings under this Section any question arises as to the person to whom the duties and responsibilities under this Act of a person upon whose petition a reception order has been made shall be entrusted, the Magistrate shall give preference to the person who is the nearest relative of the lunatic, unless, for reasons to be recorded in writing, the Magistrate considers that, such preference would not be in the interest of the lunatic.

(*5*) The Magistrate may make such order for the payment of the cost of an inquiry under this Section by any person who is a party thereto or out of the estate of the lunatic as he thinks fit.

(*6*) Any notice under sub-section (*2*) may be sent by post to the last known address of the person for whom it is intended.

(*Part II—Reception, Care and Treatment of Lunatics. Chap. II—Reception of Lunatics.*)

11B. (*1*) When an arrangement has been made with any foreign European State with respect to the reception of lunatics in Asylums in British India, the Governor General in Council, may by notification in the Gazette of India, direct that reception orders may be made under this Act in the case of any lunatic or class of lunatics residing in the territories in India of such foreign European State, and shall in such notification specify the province or provinces within which such reception orders may be made.

(*2*) On publication of a notification under sub-section (*1*), the provisions of this Act as to the making of reception orders on petition and for temporary detention in suitable custody shall apply in the case of such lunatics, with the following modifications namely :—

(*a*) An application for a reception order may be made by petition presented by such officer or agent of the Foreign State in which the alleged lunatic ordinarily resides, as may, by general or special order, be approved by the Local Government in this behalf;

(*b*) The functions of the Magistrate shall be performed by such officer as the local Government may, by general or special orders appoint in this behalf, and such officer shall be deemed to be the Magistrate having jurisdiction over the alleged lunatic for all the purposes of the said provisions;

(*c*) For the purposes of sections 5 and 18 (*1*) the expressions "Medical Officer" and "Medical practitioner" shall include such person or class of persons as the local Government may specify in this behalf;

(*d*) the Magistrate may in his discretion extend the period prescribed by section 19 within which the alleged lunatic must have been medically examined; and

(*e*) sections 6 (*1*), (*2*), 11, 11A and 34 of the Act shall not apply; and with such other

modifications, restrictions or adaptations as the Governor General in Council may, by notification in the Gazette of India, direct for the purpose of facilitating the application of the said provisions.

(*3*) A reception order made under this section shall be deemed to be a reception order made under section 7 or section 10, as the case may be.

Reception orders otherwise than on petition.

Reception order in case of lunatic soldier.

12. When any European who is subject to the provisions of the Army Act has been declared a lunatic in accordance with the provisions of the military regulations in force for the time being, and it appears to any administrative medical officer that he should be removed to an asylum, such administrative medical officer may, if he thinks fit, make a reception order under his hand for the admission of the said lunatic into any asylum which has been duly authorized for the purpose by the Governor General in Council.

Powers and duties of police in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.

13. (*1*) Every officer in charge of a police-station may arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be lunatics, and shall arrest or cause to be arrested all persons within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested shall be taken forthwith before the Magistrate.

(*2*) Every officer in charge of a police-station who has reason to believe that any person within the limits of his station is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, shall immediately report the fact to the Magistrate.

Reception order in case of wandering and dangerous lunatics.

14. Whenever any person is brought before a Magistrate under the provisions of sub-section (*1*) of section 13, the Magistrate shall examine such person, and if he thinks that there are grounds for proceeding further, shall cause him to be examined

by a medical officer, and may make such other inquiries as he thinks fit; and if the Magistrate is satisfied that such person is a lunatic and a proper person to be detained, he may if the medical officer who has examined such person gives a medical certificate with regard to such person, make a reception order for the admission of such lunatic into an asylum:

Provided that, if any friend or relative desires that the lunatic be sent to a licensed asylum and engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic in such asylum, the Magistrate shall, if the person in charge of such asylum consents, make a reception order for the admission of the lunatic into the licensed asylum mentioned in the engagement:

Provided further that if any friend or relative of the lunatic enters into a bond with or without sureties for such sum of money as the Magistrate thinks fit, conditioned that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or to others, the Magistrate, instead of making a reception order, may, if he thinks fit, make him over to the care of such friend or relative.

Order in case of lunatic cruelly treated or not under proper care and control.

15. (*1*) If it appears to the Magistrate, on the report of a police-officer or the information of any other person, that any person within the limits of his jurisdiction deemed to be a lunatic is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may cause the alleged lunatic to be produced before him, and summon such relative or other person as has or ought to have the charge of him.

(*2*) If such relative or other person is legally bound to maintain the alleged lunatic, the Magistrate may make an order for such alleged lunatic being properly cared for and treated, and, if such relative or other person wilfully neglects to comply

(Part II—Reception, Care and Treatment of Lunatics. Chap. II—Reception of Lunatics.)

with the said order, the Magistrate may sentence him to imprisonment for a term which may extend to one month.

(*3*) If there is no person legally bound to maintain the alleged lunatic, or if the Magistrate thinks fit so to do, he may proceed as prescribed in section 14, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and a proper person to be detained under care and treatment may, if a medical officer gives a medical certificate with regard to such lunatic, make a reception order for the admission of such lunatic into an asylum.

Detention of alleged lunatic pending report by medical officer.

16. (*1*) When any person alleged to be a lunatic is brought before a Magistrate under the provisions of section 13 or section 15, the Magistrate may, by an order in writing, authorize the detention of the alleged lunatic in suitable custody for such time not exceeding ten days as may be, in his opinion, necessary to enable the medical officer to determine whether such alleged lunatic is a person in respect of whom a medical certificate may be properly given.

(*2*) The Magistrate may, from time to time, for the same purpose by order in writing, authorize such further detention of the alleged lunatic for periods not exceeding ten days at a time as he thinks necessary:

Provided that no person shall be detained in accordance with the provisions of this section for a total period exceeding thirty days from the date on which he was first brought before the Magistrate.

Commissioner of Police, etc., to act in the Presidency-town.

17. All acts which the Magistrate is authorized or required to do by sections 14, 15 or 16 may be done in the Presidency-towns by the Commissioner of Police; and all duties which an officer in charge of a police-station is authorized or required to perform, may be performed in any of the Presidency-towns by an officer of the police-force not below the rank of an inspector.

Further provisions as to reception orders and medical certificates.

Medical certificates.

18. (*1*) Every medical certificate under this Act shall be made and signed by a medical practitioner or a medical officer, as the case may be, and shall be in the form prescribed.

(*2*) Every medical certificate shall state the facts upon which the person certifying has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others; and no reception order on petition shall be made upon a certificate founded only upon facts communicated by others.

(*3*) Every medical certificate made under this Act shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the person certifying on such facts, as if the matters therein appearing had been verified on oath.

Time and manner of medical examination of lunatic.

19. (*1*) A reception order required to be founded on a medical certificate shall not be made unless the person who signs the medical certificate, or, where two certificates are required, each person who signs a certificate, has personally examined the alleged lunatic, in the case of an order upon petition, not more than seven clear days before the date of the presentation of the petition, and, in all other cases, not more than seven clear days before the date of the order.

(*2*) Where two medical certificates are required, a reception order shall not be made unless each person signing a certificate has examined the alleged lunatic separately from the other.

Authority for reception.

20. A reception order, if the same appears to be in conformity with this Act, shall be sufficient authority for the petitioner or any person authorized by him, or in the case of an order not made upon petition, for the person authorized so to do by the person making the order, to take the lunatic and

(Part II—Reception, Care and Treatment of Lunatics. Chap. II—Reception of Lunatics.)

convey him to the place mentioned in such order and for his reception and detention therein, or in any asylum to which he may be removed in accordance with the provisions of this Act, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order:

Provided that no reception order shall continue to have effect—

(*a*) after the expiry of thirty days from the date on which it was made, unless the lunatic has been admitted to the place mentioned therein within that period, or

(*b*) after the discharge, under the provisions of this Act, of the lunatic from such place or from any asylum to which he may have been removed [*vide* the Indian Lunacy (Amendment) Act (XXXII of 1923)].

Copy of reception order to be sent to person in charge of asylum.

21. Any authority making a reception order under this Part shall forthwith send a certified copy of the order to the person in charge of the asylum into which such lunatic is to be admitted.

Restriction as to asylums into which reception orders may direct admission.

22. Subject to the provisions of section 85 no Magistrate shall make a reception order for the admission of any lunatic into any Government asylum outside the province in which the Magistrate exercises jurisdiction.

Detention of lunatics pending removal to asylum.

Detention of lunatics pending removal to asylum.

23. When any reception order has been made under sections 7, 10, 14 or 15, the Magistrate may, for reasons to be recorded in writing, direct that the lunatic, pending his removal to an asylum, be detained in suitable custody in such place as the Magistrate thinks fit.

Reception and detention of criminal lunatics.

Reception and detention of criminal lunatics.

V of 1898. III of 1900.

24. An order under section 466 or section 471 of the Code of Criminal Procedure, 1898, or under section 30 of the Prisoners Act, 1900, directing the

reception of a criminal lunatic into any asylum which is prescribed for the reception of criminal lunatics shall be sufficient authority for the reception and detention of any person named therein in such asylum or in any other asylum to which he may be lawfully transferred.

Reception after inquisition.

Reception after inquisition.

25. A lunatic so found by inquisition may be admitted into an asylum—

(*1*) in the case of an inquisition under Chapter IV, on an order made by or under the authority of the High Court;

(*2*) in the case of an inquisition under Chapter V, on an order made by the District Court.

Order for payment of cost of maintenance of lunatic.

26. (*1*) When any lunatic has been admitted into an asylum in accordance with the provisions of section 25, the High Court or the District Court, as the case may be, shall, on the application of the person in charge of the asylum, make an order for the payment of the cost of maintenance of the lunatic in the asylum, and may from time to time direct that any sum of money payable under such order shall be recovered from the estate of the lunatic or of any person legally bound to maintain him:

Provided that if at any time it shall appear to the satisfaction of the Court that the lunatic has not sufficient property, and that no person legally bound to maintain such lunatic has sufficient means for the payment of such cost, the Court shall certify the same instead of making such order for the payment of the cost as aforesaid.

(*2*) An order under sub-section (*1*) shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as a decree made by the Court in a suit in respect of the property or person therein mentioned.

(Part II—Reception, Care and Treatment of Lunatics. Chap. II—Reception of Lunatics. Chap. III—Care and Treatment.)

Amendment of order of certificate.

Amendment of order or certificate.

27. If, after the reception of any lunatic into any asylum on a reception order, it appears that the order upon which he was received or the medical certificate or certificates upon which such order was made is or are defective or incorrect, the same may at any time afterwards be amended by the person or persons signing the same with the sanction of two or more of the visitors of the said asylum, one of whom shall be a medical officer.

CHAPTER III.

CARE AND TREATMENT.

Visitors.

Appointment of visitors.

28. (*1*) The Local Government shall appoint for every asylum not less than three visitors, one of whom at least shall be a medical officer.

(*2*) The Inspector-General of Prisons (where such office exists) shall be a visitor *ex-officio* of all the asylums within the limits of his jurisdiction.

Monthly inspection by visitors.

29. Two or more of the visitors, one of whom shall be a medical officer, shall, once at least in every month, together inspect every part of the asylum of which they are visitors, and see and examine, as far as circumstances will permit, every lunatic and boarder therein, and the order and certificate for the admission of every lunatic admitted since the last visitation of the visitors and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the inmates thereof.

Inspection of criminal lunatics by Inspector-General or visitors.

30. (*1*) When any person is confined under the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1898, the Inspector-General of Prisons, if such person is confined in a

jail or the visitors of the asylum or any two of them, if he is confined in an asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector-General or by two of such visitors as aforesaid; and such Inspector-General or visitors shall make a special report as to the state of mind of such person to the authority under whose order he is confined.

(*2*) The Local Government may empower the officer in charge of the jail in which such person may be confined to discharge all or any of the functions of the Inspector-General under sub-section (*1*).

Discharge of lunatics.

Order of discharge from asylum by visitors.

31. (*1*) Three of the visitors of any asylum, of whom one shall be a medical officer, may, by order in writing, direct the discharge of any person detained in such asylum, and such person shall thereupon be discharged:

Provided that no order under this sub-section shall be made in the case of a person detained under a reception order under section 12, or, in the case of a criminal lunatic, otherwise than as provided by section 30 of the Prisoners Act, 1900.

(*2*) When such order is made, if the person is detained under the order of any public authority, notice of the order of discharge shall be immediately communicated to such authority.

Discharge of lunatics in other cases and of European military lunatics.

32. (*1*) A lunatic detained in an asylum under a reception order, made on petition, shall be discharged if the person on whose petition the reception order was made so applies in writing to the person in charge of asylum:

Provided that no lunatic shall be discharged under the provisions of sub-section (*1*) if the officer in charge of the asylum certifies in writing that the lunatic is dangerous and unfit to be at large.

(*Part II—Reception, Care and Treatment of Lunatics. Chap. III—Care and Treatment.*)

(*2*) A person detained in an asylum under a reception order made under section 12 shall be detained therein until he is discharged therefrom in accordance with the military regulations in force for the time being, or until the officer making the order applies for his transfer to the military authorities in view to his removal to England.

(*3*) Whenever it appears to the officer in charge of an asylum that the discharge of a person therein detained under an order made under section 12 is necessary either on account of his recovery, or for any other purpose, such person shall be brought before the visitors of the asylum, and on the visitors recording their opinion that the discharge should be made, the General or other Officer Commanding the division, district, brigade, or force, or other officer authorized to order the admission of such persons into an asylum, shall forthwith direct him to be discharged, and such discharge shall take place in accordance with the military regulations in force for the time being.

Order of discharge on undertaking of relative for due care of the lunatic.

33. When any relative or friend of a lunatic detained in any asylum under the provisions of sections 14, 15, or 17 is desirous that such lunatic shall be delivered over to his care and custody, he may make application to the authority under whose order the lunatic is detained, and such authority, if it thinks fit, in consultation with the person in charge of the asylum and with the visitors or with one of them being a medical officer, and upon such relative or friend entering into a bond with or without sureties for such sum of money as the said authority thinks fit conditioned that such lunatic shall be properly taken care of and shall be prevented from doing injury to himself or to others, may make an order for the discharge of such lunatic, and such lunatic shall thereupon be discharged.

Discharge of person subsequently found on

34. If any lunatic detained in an asylum on a reception order made under sections 7, 10, 14, 15 or 17 is subsequently found on an inquisition under

inquisition not to be of unsound mind.

Chapter IV or Chapter V not to be of unsound mind and incapable of managing himself and his affairs, the person in charge of the asylum shall forthwith, on the production of a certified copy of such finding, discharge the alleged lunatic from the asylum.

Removal of lunatics.

Removal of lunatics and criminal lunatics.

35. (*1*) Any lunatic may, in accordance with any general or special order of the Local Government, be removed from any Government asylum to any other asylum within the province, or to any other asylum in any other province, with the consent of the Local Government of that province (*vide* Devolution Act, XXXVIII of 1920):

Provided that no lunatic admitted into an asylum on a reception order made on petition shall be removed in accordance with the provisions of this sub-section until notice of such intended removal has been given to the petitioner.

(*2*) The Local Government may make such general or special order as it thinks fit directing the removal of any person for whose confinement an order has been made under section 466 or section 471 of the Code of Criminal Procedure, 1898, from the place where he is for the time being confined, to any asylum, jail or other place of safe custody in the province, or to any asylum, jail or other place of safety in any other province with the consent of the Local Government of that province (*vide* Devolution Act, XXXVIII of 1920).

Escape and re-capture.

Order to justify detention and re-capture after escape.

36. Every person received into an asylum under any such order as is required by this Act, may be detained therein until he is removed or discharged as authorized by law, and in case of escape may, by virtue of such order, be re-taken by any police-officer or by the person in charge of such asylum, or

(*Part II—Reception, Care and Treatment of Lunatics. Chap. III—Care and Treatment. Part III—Judicial Inquisition as to Lunacy. Chap. IV—Proceedings in Lunacy in Presidency-towns.*)

any officer or servant belonging thereto, or any other person authorized in that behalf by the said person in charge, and conveyed to and received and detained in such asylum:

Provided that in the case of a lunatic not being a criminal lunatic or a lunatic in respect of whom a reception order has been made under section 12, the power to re-take such escaped lunatic under this section shall be exercisable only for a period of one month from the date of his escape.

PART III.

Judicial Inquisition as to Lunacy.

CHAPTER IV.

PROCEEDINGS IN LUNACY IN PRESIDENCY-TOWNS.

Inquisition.

Jurisdiction in lunacy in Presidency-towns.

37. The Courts having jurisdiction under this Chapter shall be the High Courts of Judicature at Fort William, Madras and Bombay.

Court may order inquisition as to persons alleged to be insane.

38. (*1*) The Court may upon application by order direct an inquisition whether a person subject to the jurisdiction of the Court who is alleged to be lunatic, is of unsound mind and incapable of managing himself and his affairs.

(*2*) Such order may also contain directions for inquiries concerning the nature of the property belonging to the alleged lunatic, the persons who are his relatives, the time during which he has been of unsound mind, or such other matters as to the Court may seem proper.

Application by whom to be made.

39. Application for such inquisition may be made by any relative of the alleged lunatic, or by the Advocate-General.

(Part III—Judicial Inquisition as to Lunacy. Chap. IV—Proceedings in Lunacy in Presidency-towns.)

Notice of time and place of inquisition.

40. (*1*) Notice shall be given to the alleged lunatic of the time and place at which it is proposed to hold the inquisition.

(*2*) If it appears that personal service on the alleged lunatic would be ineffectual, the Court may direct such substituted service of the notice as it thinks fit.

(*3*) The Court may also direct a copy of such notice to be served upon any relative of the alleged lunatic and upon any other person to whom in the opinion of the Court notice of the application should be given.

Powers of Court in respect of attendance and examination of lunatic.

41. (*1*) The Court may require the alleged lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court, or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic.

(*2*) The Court may likewise make an order authorizing any person or persons therein named to have access to the alleged lunatic for the purpose of a personal examination.

Rules respecting attendance and examination of females alleged to be lunatic.

42. The attendance and examination of the alleged lunatic under the provisions of section 41 shall, if the alleged lunatic be a woman who, according to the manners and customs of the country, ought not to be compelled to appear in public, be regulated by the law and practice for the examination of such persons in other civil cases.

Power to direct District Court to make inquisition in certain cases.

43. (*1*) If the alleged lunatic is not within the local limits of the jurisdiction of the Court, and the inquisition cannot conveniently be made in the manner hereinbefore provided, the Court may direct the inquisition to be made before the District Court within whose local jurisdiction the alleged lunatic may be; and such District Court shall accordingly proceed to make such inquisition in the same manner as if the alleged lunatic were subject to its

(*Part III—Judicial Inquisition as to Lunacy. Chap. IV—Proceedings in Lunacy in Presidency-towns.*)

jurisdiction, and shall certify its finding upon the matters of inquisition to the Court directing the inquisition.

(*2*) The record of evidence taken upon the inquisition shall be transmitted, together with any remarks the Court may think fit to make thereon, to the Court by which the inquisition was directed.

Amendment of finding of District Court if defective or insufficient in form.

44. If the finding of the District Court appears to the Court directing the inquisition to be defective or insufficient in point of form, it may either amend the same or refer it back to the Court which made the inquisition to be amended.

Proceedings on finding of Court.

45. The finding of the Court on the inquisition or the finding of the District Court to which the inquisition may have been referred under the provisions of section 43 with such amendments as may be made under the provisions of section 44, as the case may be, shall have the same effect, and be proceeded on in the same manner in regard to the appointment of a guardian of the person and a manager of the estate of the lunatic as the findings v referred to in section 12 of the Lunacy (Supreme 8. Courts) Act, 1858; immediately before the commencement of this Act.

Judicial powers over person and estate of lunatic.

Custody of lunatics and management of their estates.

46. (*1*) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

(*2*) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs; but that he is capable of managing himself, and is not dangerous to himself or to others the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provision for the

maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

Powers of manager in respect of management of lunatic's estate.

47. The Court, on the appointment of a manager of the estate of a lunatic, may direct by the order of appointment, or by any subsequent order, that such manager shall have such powers for the management of the estate as to the Court may seem necessary and proper, reference being had to the nature of the property, whether moveable, or immoveable, of which the estate may consist:

Provided that no manager so appointed shall without the permission of the Court—

(*a*) mortgage, charge or transfer by sale, gift exchange or otherwise, any immoveable property of the lunatic; or

(*b*) lease any such property for a term exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

Power to make order concerning any matter connected with the lunacy.

48. The Court, may on application made to it by petition concerning any matter whatsoever connected with the lunatic or his estate, make such order, subject to the provisions of this Chapter, respecting the application, as in the circumstances it thinks fit.

Management and administration.

Power to dispose of lunatic's property for certain purposes.

49. The Court may, if it appears to be just or for the lunatic's benefit, order that any property, moveable or immoveable, of the lunatic, and whether in possession, reversion, remainder, or contingency, be sold, charged, mortgaged, dealt with or otherwise disposed of as may seem most expedient for the purpose of raising or securing or repaying with

or without interest money to be applied or which has been applied to all or any of the following purposes, namely—

(*1*) the payment of the lunatic's debts or engagements;

(*2*) the discharge of any incumbrance on his property;

(*3*) the payment of any debt or expenditure incurred for the lunatic's maintenance or otherwise for his benefit;

(*4*) the payment of or provision for the expenses of his future maintenance and the maintenance of such members of his family as are dependent on him for maintenance, including the expenses of his removal to Europe, if he shall be so removed, and all expenses incidental thereto;

(*5*) the payment of the costs of any inquiry under this Chapter, and of any costs incurred by order or under the authority of the Court.

Execution of conveyances and powers by manager under order of Court.

50. (*1*) The manager of the lunatic's estate shall, in the name and on behalf of the lunatic, execute all such conveyances and instruments of transfer relative to any sale, mortgage or other disposition of his estate as the Court may order.

(*2*) Such manager shall in like manner, under the order of the Court, exercise all powers whatsoever vested in a lunatic, whether the same are vested in him for his own benefit or in the character of trustee or guardian.

Court may order performance of contract.

51. Where a person, having contracted to sell or otherwise dispose of his estate or any part thereof, afterwards becomes lunatic, the Court may, if the contract is such as the Court thinks ought to be performed, direct the manager of the estate to execute such conveyances and to do such other acts in fulfilment of the contract as it shall think proper.

(Part III—Judicial Inquisition as to Lunacy. Chap. IV—Proceedings in Lunacy in Presidency-towns.)

Dissolution and disposal of property of partnership on a member becoming lunatic.

52. (*1*) Where a person, being a member of a partnership firm, is found to be a lunatic the Court may, on the application of the other partners, or of any person who appears to the Court to be entitled to require the same, dissolve the partnership.

(*2*) Upon such dissolution, or upon a dissolution by decree of Court or otherwise by due course of law, the manager of the estate may, in the name and on behalf on the lunatic, join with the other partners in disposing of the partnership property upon such terms, and shall do all such acts for carrying into effect the dissolution of the partnership, as the Court shall think proper.

Disposal of business premises.

53. Where a lunatic has been engaged in business, the Court may, if it appears to be for the lunatic's benefit that the business premises should be disposed of, order the manager of the estate to sell and dispose of the same; and the moneys arising from such sale shall be applied in such manner as the Court may direct.

Manager may dispose of lease.

54. Where a lunatic is entitled to a lease or under-lease, and it appears to be for the benefit of his estate that it should be disposed of, the manager of the estate may, by order of the Court, surrender, assign or otherwise dispose of the same to such person for such valuable or nominal consideration, and upon such terms, as the Court thinks fit.

Assumption of charge by Court of Wards of land belonging to a lunatic in certain cases.

55. If a lunatic is possessed of any immoveable property situate beyond the local limits of the jurisdiction of the Court which, by the law in force in the Province wherein such property is situated, subjects the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the said Court of Wards may assume the charge of such property and manage the same according to the law for the time being in force for such management:

Provided that—

(*1*) in such case, no further proceedings in respect of the lunacy shall be taken under any

such law, nor shall it be competent to the Court of Wards or to any Collector to appoint a guardian of the person of the said lunatic or a manager of the estate except of the immoveable property which so subjects the proprietor as aforesaid:

(*2*) the surplus of the income of such property, after providing for the payment of the Government revenue and expenses of management, shall be disposed of from time to time in such manner as the High Court may direct:

(*3*) nothing contained in this section shall affect the powers given to the High Court by sections 49, 50 and 51 or (except so far as relates to the management of the said immoveable property which so subjects the proprietor as aforesaid) the powers given by any other section.

Power to apply property for lunatic's maintenance without appointing manager in certain cases.

56. (*1*) If it appears to the Court, having regard to the situation and condition in life of the lunatic and his family and the other circumstances of the case, to be expedient that his property should be made available for his or their maintenance in a direct and inexpensive manner it may, instead of appointing a manager of the estate, order that the property if money or if of any other description the produce thereof, when realized, be paid to such person as the Court may think fit, to be applied for the purpose aforesaid.

(*2*) The receipt of the person so appointed shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

Vesting orders.

Power to order transfer of stock belonging to lunatic in certain cases.

57. Where any stock or Government securities or any share in a company (transferable within British India or the dividends of which are payable there) is or are standing in the name of, or vested in, a lunatic, beneficially entitled thereto, or in a

manager of the estate of a lunatic, or in a trustee for him, and the manager dies intestate, or himself becomes lunatic, or is out of the jurisdiction of the Court, or it is uncertain whether the manager is living or dead, or he neglects or refuses to transfer the stock, securities or shares, or to receive and pay over thereof the dividends to a new manager or as the Court directs, within fourteen days after being required by the Court to do so, then the Court may order some fit person to make such transfer, or to transfer the same, and to receive and pay over the dividends in such manner as the Court directs.

Power to order transfer of stock of lunatic residing out of British India and the United Kingdom.

58. Where any such stock or Government securities or share in a company is or are standing in the name of, or vested in, any person residing out of British India and not in any part of the United Kingdom, the Court upon being satisfied that such person has been declared lunatic, and that his personal estate has been vested in a person appointed for the management thereof, according to the law of the place where he is residing, may order some fit person to make such transfer of the stock, securities or shares, or of any part thereof, to or into the name of the person so appointed or otherwise, and also to receive and pay over the dividends and proceeds as the Court thinks fit.

General.

Power to apply property for lunatic's maintenance in case of temporary lunacy.

59. If it appears to the Court that the unsoundness of mind of a lunatic is in its nature temporary, and that it is expedient to make temporary provision for his maintenance or for the maintenance of such members of his family as are dependent on him for their maintenance, the Court may, in like manner as under section 56, direct his property or a sufficient part of it to be applied for the purpose aforesaid.

Proceedings in lunacy to cease or to be set aside if Court finds that the unsound-

60. (*1*) When any person has been found under this Chapter to be of unsound mind, and it is subsequently shown to the Court that there is reason to believe that such unsoundness of mind has ceased, the Court may make an order for

(Part III—Judicial Inquisition as to Lunacy Chap. IV—Proceedings in Lunacy in Presidency. Towns. Chap. V—Proceedings in Lunacy outside Presidency-towns.)

inquiring whether such person is still of unsound mind and incapable of managing himself and his affairs. ness of minds has ceased.

(*2*) The inquiry shall be conducted as far as may be in the manner prescribed in this Chapter for an inquisition into the unsoundness of mind of an alleged lunatic; and if it is found that the unsoundness of mind has ceased, the Court shall order all proceedings in the lunacy to cease or to be set aside on such terms and conditions as to the court may seem fit.

61. The Court may, from time to time, make rules for the purpose of carrying into effect the provisions of this Chapter in matters of lunacy. Power of Court to make rules.

CHAPTER V.

PROCEEDINGS IN LUNACY OUTSIDE PRESIDENCY-TOWNS.

Inquisition.

62. Whenever any person not subject to the jurisdiction of any of the Courts mentioned in section 37 is possessed of property and is alleged to be a lunatic, the District Court within whose jurisdiction such person is residing may, upon application, by order direct an inquisition for the purpose of ascertaining whether such person is of unsound mind and incapable of managing himself and his affairs. Power of District Court to institute inquisition as to persons alleged to be lunatic.

63. (*1*) Application for such inquisition may be made by any relative of the alleged lunatic or by any public Curator appointed under the Succession (Property Protection) Act, 1841 (hereinafter referred to as the Curator), or by the Government Pleader, as defined in the Code of Civil Procedure, 1908, or if the property of the alleged lunatic consists in whole or in part of land or any interest in land, by the Collector of the district in which it is situate. Application by whom to be made.

XIX of 1841.

V of 1908.

(*2*) If the property or any part thereof is of such a description that it would by the law in force in any Province where such property is situate subject the proprietor, if disqualified, to the

(Part III—Judicial Inquisition as to Lunacy. Chap. V—Proceedings in Lunacy outside Presidency-towns.)

jurisdiction of the Court of Wards, the application may be made by the Collector on behalf of the Court of Wards.

Regulation of proceedings of District Courts.

64. The provisions of sections 40, 41 and 42 shall regulate the proceedings of the District Court with regard to the matters to which they relate.

Inquisition by District Court and finding thereon.

65. (*1*) The District Court, if it thinks fit, may appoint two or more persons to act as assessors to the Court in the said inquistion.

(*2*) Upon the completion of the inquisition, the Court shall determine whether the alleged lunatic is of unsound mind and incapable of managing himself and his affairs or may come to a special finding that such alleged lunatic is of unsound mind so as to be incapable of managing his affairs but that he is capable of managing himself and is not dangerous to himself or to others.

Inquisition by subordinate Court on commission issued by District Court and proceedings thereon.

66. (*1*) If the alleged lunatic resides at a distance of more than fifty miles from the place where the District Court is held to which the application is made, the said Court may issue a commission to any subordinate Court to make the inquisition, and such subordinate Court shall thereupon conduct the inquisition in the manner hereinbefore provided in this Chapter.

(*2*) On the completion of the inquisition, the subordinate Court shall transmit the record of its proceedings with the opinions of the assessors, if assessors have been appointed, and its own opinion on the case; and the District Court shall thereupon proceed to dispose of the application in the manner provided in section 65, sub-section (*2*):

Provided that the District Court may direct the subordinate Court to make such further or other inquiries as it thinks fit before disposing of the application.

Judicial powers over person and estate of lunatic.

Custody of lunatics and management of their estates.

67. (*1*) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

(Part III—Judicial Inquisition as to Lunacy. Chap. V—Proceedings in Lunacy outside Presidency-towns.)

(*2*) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provisions for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

Court of Wards to be authorised in certain cases to take charge of estate of lunatic.

68. If the estate of a lunatic so found or any part thereof consists of property which, by the law for the time being in force, subjects the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the Court of Wards shall be authorised to take charge of the same.

Power to direct Collector to take charge of person and estate of lunatic in certain cases.

69. (*1*) If the estate of a lunatic so found consists in whole or in part of land or any interest in land, but is not of such a nature that it would subject the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the District Court may direct the Collector to take charge of the person and estate of the lunatic:

Provided that no such order shall be made without the consent of the Collector previously obtained.

(*2*) The Collector shall thereupon appoint a manager of the estate, and may appoint a guardian of the person of the lunatic.

Control over proceedings of Collector.

70. All proceedings of the Collector in regard to the person or estate of a lunatic under this Chapter shall be subject to the control of the Local Government or of such authority as it may appoint in this behalf.

(Part III—Judicial Inquisition as to Lunacy. Chap. V—Proceedings in Lunacy outside Presidency-towns.)

Power of District Court to appoint guardian and manager and take security from manager.

71. (*1*) In all other cases the District Court shall appoint a manager of the estate of the lunatic and may appoint a guardian of his person:

Provided that a District Court may, instead of appointing a manager of the estate of a lunatic, exercise any of the powers conferred on the High Court under sections 56 and 59.

(*2*) Any person who has been appointed by the District Court or Collector to manage the estate of a lunatic shall, if so required, enter into a bond in such form and with such sureties as to the Court or the Collector, as the case may be, may seem fit, engaging duly to account for what he may receive in respect of the property of the lunatic.

Restriction on appointment of legal heir of lunatic to be guardian of his person.

72. The legal heir of a lunatic shall not be appointed to be the guardian of the person of such lunatic unless the Court or the Collector, as the case may be, for reasons to be recorded in writing, considers that such an appointment is for the benefit of the lunatic.

Remuneration of managers and guardians.

73. A guardian of the person of a lunatic or a manager of his estate appointed under this Chapter shall be paid such allowance, if any, as the Court or the Collector, as the case may be, thinks fit for his care and pains in the execution of his duties.

Duties of guardian.

74. (*1*) The person appointed to be guardian of a lunatic's person shall have the care of his person and maintenance.

(*2*) When a distinct guardian is appointed, the manager shall pay to the guardian such allowance as may be fixed by the District Court or the Collector, as the case may be, for the maintenance of the lunatic and such members of his family as are dependent on him for their maintenance.

Powers of manager.

75. (*1*) Every manager of the estate of a lunatic appointed as aforesaid may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not

a lunatic, and may collect and pay all just claims, debts and liabilities due to or by the estate of the lunatic:

Provided that no manager so appointed shall without the permission of the Court—

(*a*) mortgage, charge, or transfer by sale, gift, exchange or otherwise any immoveable property of the lunatic,

(*b*) lease any such property for a term exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

(*2*) Before granting any such permission, the Court may cause notice of the application for such permission to be served on any relative or friend of the lunatic, and may make or cause to be made such inquiries as to the Court may seem necessary in the interests of the lunatic.

Manager to furnish inventory and annual accounts.

76. (*1*) Every person appointed by the District Court or by the Collector to be manager of the estate of a lunatic shall, within six months from the date of his appointment, deliver in Court or to the Collector, as the case may be, an inventory of the immoveable property belonging to the lunatic and of all such money, or other moveable property, as he may receive on account of the estate, together with a statement of all debts due by or to the same.

(*2*) Every such manager shall also furnish to the Court or to the Collector annually, within three months of the close of the year of the era current in the district, an account of the property in his charge, exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands.

(Part III—Judicial Inquisition as to Lunacy. Chap. V—Proceedings in Lunacy outside Presidency-towns).

Proceeding if accuracy of inventory or accounts is impugned.

77. If any relative of the lunatic, or the Collector by petition to the Court, impugns the accuracy of the said inventory and statement, or of any annual account, the Court may summon the manager and inquire summarily into the matter and make such order thereon as it thinks fit; or the Court, at its discretion, may refer any such petition to any subordinate Court or to the Collector if the manager was appointed by the Collector.

Payment into public treasury and investment of proceeds of estate.

78. All sums received by a manager on account of any estate in excess of what may be required for the current expenses of the lunatic or of the estate, shall be paid into the public treasury on account of the estate, and shall be invested from time to time in any of the securities specified in section 20 of the Indian Trust Act, 1882, unless the Court or the Collector, as the case may be, for reasons to be recorded in writing, directs that such sums be in the interest of the lunatic otherwise invested or applied. II of 1882.

Relative may sue for an account.

79. Any relative of a lunatic may with the leave of the District Court sue for an account from any manager appointed under this Chapter, or from any such person after his removal from office or trust, or from his legal representative in case of his death, in respect of any estate then or formerly under his care or management or of any sums of money or other property received by him on account of such estate.

Removal of managers and guardians.

80. (*1*) The District Court, for any sufficient cause, may remove any manager appointed by it not being the Curator, and may appoint such Curator or any other fit person in his place, and may compel the person so removed to make over the property in his hands to his successor, and to account to such successor for all money received or disbursed by him.

(*2*) The Court may also, for any sufficient cause, remove any guardian of the person of the lunatic appointed by it, and may appoint any other fit person in his place.

(*3*) The Collector, for any sufficient cause, may remove any manager of the estate of a lunatic or guardian of the person of a lunatic appointed by him, and may appoint any other fit person in place of such manager or guardian; and the District Court, on the application of the Collector, may compel any manager removed under this section to make over the property and all accounts in his hands to his successor and to account to such successor for all money received or disbursed by him.

Penalty on manager for refusing to deliver accounts or property.

81. The District Court may impose a fine not exceeding five hundred rupees on any manager of the estate of a lunatic who wilfully neglects or refuses to deliver his accounts or any property in his hands within the time fixed by the Court, and may realize such fine as if it were a sum due under a decree of the Court, and may also commit the recusant to the civil jail until he delivers such accounts or property.

Proceedings in lunacy to cease or to be set aside if Court finds that the unsoundness of mind has ceased.

82. (*1*) When any person has been found under this Chapter to be of unsound mind, and it is subsequently shown to the District Court that there is reason to believe that such unsoundness of mind has ceased, such Court may make an order for inquiring whether such person is still of unsound mind and incapable of managing himself and his affairs.

(*2*) The enquiry shall, as far as may be, be conducted in the same manner as is prescribed in this Chapter for an inquisition into the unsoundness of mind of an alleged lunatic, and if it is found that the unsoundness of mind has ceased, the Court shall order all proceedings in the lunacy to cease or to be set aside on such terms and conditions as to the Court may seem fit.

Appeals.

83. An appeal shall lie to the High Court from any order made by a District Court, under this Chapter.

(Part IV—Miscellaneous. Chap. VI—Establishment of Asylums.. Chap. VII—Expenses of Lunatics.)

PART IV.

Miscellaneous.

CHAPTER VI.

ESTABLISHMENT OF ASYLUMS.

Local Government may establish or license the establishment of asylums.

84. The Local Government may establish or license the establishment of asylums at such places as it thinks fit, if it is satisfied that provision has been or will be made for the curative treatment therein of persons suffering from mental diseases [*vide* para. 3 of the Indian Lunacy (Amendment) Act (VI of 1922)].

Power to cancel license if provision for curative treatment is insufficient.

84A. If in any licensed asylum no provision for curative treatment has been made, or the Local Government considers that provision made is insufficient, the Local Government may require the person in charge of the asylum to take such measures for making or supplementing such provision as it may deem necessary, and, if such person does not comply with the requisition within a reasonable time, the Local Government may revoke the license [*vide* para. 4 of the Indian Lunacy (Amendment) Act (VI of 1922)].

Provision for admission of lunatics in asylums outside a province.

85. The Magistrates or Courts exercising jurisdiction in any province may send lunatics or any class of lunatics to any asylum situate in any other province in accordance with any general or special order of the Local Government made in that behalf with the consent of the Local Government of such other province (*vide* Devolution Act, XXXVIII of 1920).

CHAPTER VII.

EXPENSES OF LUNATICS.

Payment of cost of maintenance in licensed

86. (*1*) When any lunatic is admitted to a licensed asylum under a reception order or an order under section 25, and no engagement has been

taken from the friends or relatives of the lunatic or order made by the Court for the payment of expenses under the provisions of this Act, the cost of maintenance of such lunatic shall, subject to the provision of any law for the time being in force, be paid by the Government to the person in charge of such asylum.

asylums in certain cases by Government.

(*2*) The paymaster of the military circle within which any asylum is situated shall pay to the officer in charge of such asylum the cost of maintenance of every lunatic received and detained therein under an order made under section 12.

87. Any money in the possession of a lunatic found wandering at large may be applied by the Magistrate towards the payment of the cost of maintenance of the lunatic or of any other expenses incurred on his behalf, and any moveable property found on the person of the lunatic may be sold by the Magistrate, and the proceeds thereof similarly applied.

Application of property in the possession of a lunatic found wandering.

88. If a lunatic detained in an asylum on a reception order made under section 14, section 15 or section 17 has an estate applicable to his maintenance, or if any person legally bound to maintain such lunatic has the means to maintain him or if any local authority is liable for the cost of maintenance of such lunatic under any law for the time being in force the authority which made the reception order may apply to the High Court or District Court within the local limits of the original jurisdiction of which the estate of the lunatic is situated or the person legally bound to maintain him resides, or the local authority liable for the cost of his maintenance is constituted for an order for the payment of the cost of maintenance of the lunatic.

Application to Civil Court for order for the payment of cost of maintenance out of the lunatic's estate, or by person bound to maintain him or by local authority liable for such costs.

89. (*1*) The Court shall inquire into the matter in a summary way, and on being satisfied that such lunatic has an estate applicable to his maintenance, or that any person is legally bound to maintain and has the means of maintaining

Order of Court and enforcement thereof.

such lunatic, or that any local authority is liable for the cost of maintenance of such lunatic under any law for the time being in force may make an order for the recovery of cost of maintenance of such lunatic together with the costs of the application out of such estate or from such person, or from such local authority. Provided that no order for the recovery of the cost of maintenance of such lunatic from a local authority shall be made if he has an estate applicable to his maintenance or if there is any person legally bound, and having the means to maintain him.

(*2*) Such order shall be enforced in the same manner, and shall be of the same force and effect and subject to the same appeal as a decree made by the said Court in a suit in respect of the property or person or the local authority therein mentioned.

Fixation of cost of maintenance.

89A. (*1*) In computing the amount payable on account of the cost of maintenance of lunatics detained in any asylum for the cost of whose maintenance any Provincial Government is liable, charges may be included on account of the upkeep of the asylum and of the capital cost of establishment thereof.

(*2*) In the case of any such lunatic under detention immediately before the commencement of Part III of the Government of India Act, 1935, the amount payable by any Provincial Government on account of the cost of his maintenance shall be determined in accordance with any general or special orders of the Governor General in Council in force immediately before that date and applicable to his case.

Incidence of costs of maintenance payable by Government.

89B. (*1*) When under the provisions of this Act the cost of maintenance of a lunatic is payable by the Government, then such cost shall be payable—

(*a*) in the case of a lunatic not domiciled in British India, by the Local Government of the

(Part IV—Miscellaneous. Chap. VII—Expenses of Lunatics. Chap. VIII—Rules.)

province in which the reception order or the order under section 25, as the case may be, was made; and

(*b*) in the case of a lunatic domiciled in British India, by the Local Government of the province in which the lunatic has last resided for a period of five years before the reception order or the order under section 25, as the case may be, was made; or, if the lunatic has not been resident in any one province for such period, by the Local Government of the province in which such order was made.

Saving of liability of relatives to maintain lunatic.

90. The liability of any relative or person to maintain any lunatic shall not be taken away or affected by any provision contained in this Act.

CHAPTER VIII.

RULES.

Power of Local Government to make rules.

91. (*1*) The Local Government may make rules for all or any of the following purposes, namely :—

(*a*) to prescribe forms for any proceeding under this Act other than a proceeding before a High Court which is or may hereafter be constituted by His Majesty by Letters Patent;

24 & 25 Vict., c. 104, to 1 & 2 Geo. 5, c. 18.

(*b*) to prescribe places of detention and regulate the care and treatment of persons detained under section 8 or section 16;

(*c*) to regulate the confinement, care, treatment and discharge of criminal lunatics;

(*d*) to regulate the management of asylums and the care and custody of the inmates thereof and their transfer from one asylum to another;

(*e*) to regulate the transfer of criminal lunatics to asylums;

(*f*) to prescribe the procedure to be followed by District Courts and Magistrates before a lunatic is sent to any asylum established by Government;

(Part IV—Miscellaneous. Chap. VIII—Rules. Chap. IX—Supplemental Provisions.)

(*g*) to prescribe the Government asylums within the province to which lunatics from any area or any class of lunatics shall be sent;

(*h*) to prescribe conditions subject to which asylums may be licensed;

(*i*) save as otherwise provided in this Act, generally to carry into effect the provisions of the Act.

(*2*) In making any rule under this section, the Local Governments may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

Publication of rules.

92. All rules made under section 91 shall be published in the local official Gazette, and shall thereupon have effect as if enacted in this Act.

CHAPTER IX.

SUPPLEMENTAL PROVISIONS.

Penalty for improper reception or detention of lunatic.

93. Any person who—

(*a*) otherwise than in accordance with the provisions of this Act receives or detains a lunatic or alleged lunatic in an asylum, or

(*b*) for gain detains two or more lunatics in any place not being an asylum,

shall be punishable with imprisonment which may extend to two years or with fine or with both.

Provision as to bonds.

94. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this Act. V of 1898.

Pension of lunatic payable by Government.

95. (*1*) When any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person by the Secretary of State or any Government in British India and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the Government officer under whose authority such sum would be payable if the payee were not a lunatic may pay so much of the said sum as he thinks fit to the person having charge of

(Part IV—Miscellaneous. Chap. IX—Supplemental Provisions.)

the lunatic, and may pay the surplus, if any, or such part thereof as he thinks fit for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

(2) The Secretary of State or, as the case may be, the Government concerned shall be discharged of all liability in respect of any amounts paid in accordance with this section.

Use of forms in Schedule.

96. Subject to any rules, the forms set forth in the First Schedule, with such variation as the circumstances of each case may require, shall be used for the respective purposes therein mentioned, and if used shall be sufficient.

Protection to persons acting under Act.

97. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Power to give effect to warrants and orders of certain Courts outside British India.

98. Any officer in charge of an asylum may give effect to any order or warrant for the reception and detention of any lunatic made or issued by any Court or tribunal beyond the limits of British India in the exercise of jurisdiction conferred by His Majesty or the Central Government or the Crown Representative or by the law of Burma.

Power to make rules for reception of lunatics received from outside British India.

99. The Local Government may make rules regulating the procedure for the reception and detention in asylums in the province of lunatics whose reception and detention are provided for by section 98.

Orders under repealed Acts.

100. (1) In the case of orders made before the commencement of this Act under section 7 of the XXXVI of 1858. Indian Lunatic Asylums Act, 1858, for the reception of persons into an asylum, the persons who signed the order shall have all the powers and be subject to the obligations by this Act conferred or imposed upon the petitioner for a reception order, and the provisions of this Act relating to persons upon whose petition a reception order was made shall apply in the case of a person who has signed an order, under section 7 of the Indian Lunatic XXXVI of 1858. Asylums Act, 1858, before the commencement of

(Part IV—Miscellaneous. Chap. IX.—Supplemental Provisions.)

this Act as if the order had been made after the commencement of this Act upon a petition presented by him.

(*2*) All orders for the detention of lunatics made and all undertakings given under any enactment hereby repealed shall have the same force and effect as if they had been made or given under this Act and by or to the authority empowered thereby in such behalf.

Ranchi European Mental Hospital.

100A. The powers conferred by this Act upon the Provincial Government shall, in relation to the Ranchi European Mental Hospital, be powers of the Central Government.

Repeal of enactments.

101. The enactments mentioned in the Second Schedule are repealed to the extent specified in the fourth column thereof.

(Schedule I—Forms.)

SCHEDULE I.

FORMS.

(See *section 96.*)

FORM 1.

Application for Reception Order.

(See *sections 5 and 6.*)

In the matter of A. B. [1], residing at , by occupation , son of ; a person alleged to be a lunatic.

To Presidency Magistrate for
[*or* District Magistrate of
or Sub-divisional Magistrate of
or Magistrate specially empowered under Act IV of 1912 for .]

The petition of C. D. [1], residing at , by occupation , son of , in the town of [*or* sub-division of in the district of .]

1. I am [2] years of age.

2. I desire to obtain an order for the reception of A. B. as a lunatic in the asylum of situate at [3].

3. I last saw the said A. B. at on the [4] day of

4. I am the [5] of the said A. B.

[*or if the petitioner is not a relative of the patient state as follows.*]

I am not a relative of the said A. B. The reasons why this petition is not presented by a relative are as follows: [*State them.*]

The circumstances under which this petition is presented by me are as follows: [*State them.*]

5. The persons signing the medical certificates which accompany the petition are [6].

6. A statement of particulars relating to the said A.B. accompanies this petition.

---

[1] Full name, cast and titles.

[2] Enter the number of completed years. The petitioner must be at least eighteen or twenty-one whichever is the age of majority under the law to which the petitioner is subject.

[3] Insert full description of the name and locality of the asylum or the name address and description of the person in charge of the asylum

[4] A day within 14 days before the date of the presentation of the petition is, requisite.

[5] Here state the relationship with the patient.

[6] Here state whether either of the persons signing the medical certificates is a relative, partner or assistant of the lunatic or of the petitioner and, if a relative of either the exact relationship.

(Schedule I—Forms.)

7. [*If that is the fact.*] An application for an inquiry into the mental capacity of the said A. B. was made to the on the and a certified copy of the order made on the said petition is annexed hereto. [*Or if that is the fact.*]

No application for an inquiry into the mental capacity of the said A. B. has been made previous to this application.

The petitioner therefore prays that a reception order may be made in accordance with the foregoing statement.

(Sd.) C. B.

The statements contained or referred to in paragraphs are true to my knowledge; the other statements are true to my information and belief.

(Sd.) C. D.

Dated

Statement of particulars.

[*If any of the particulars in this statement is not known, the fact to be so stated.*]

The following is a statement of particulars relating to the said A. B.

Name of patient at length.
Sex and age.
Married, single or widowed.
Previous occupation.
Caste and religious belief, as far as known.
Residence at or immediately previous to the date hereof.
Names of any near relatives to the patient who are alive.
Whether this is first attack of lunacy.
Age (if known) on first attack.
When and where previously under care and treatment as a lunatic.
Duration of existing attack.
Supposed cause.
Whether the patient is subject to epilepsy.
Whether suicidal.
Whether the patient is known to be suffering from phthisis or any form of tubercular disease.
Whether dangerous to others, and in what way.
Whether any near relative (stating the relationship) has been afflicted with insanity.
Whether the patient is addicted to alcohol, or the use of opium, ganja, charas, bhang, cocaine or other intoxicant.

[The statements contained or referred to in paras. are true to my knowledge. The other statements are true to my information and belief.]

[*Signature by person making the statement.*]

(Schedule I—Forms.)

FORM 2.

Reception Order on Petition.

(See *sections 7, 10.*)

I, the undersigned E. F., being a Presidency Magistrate of [*or* the District Magistrate of *or* the Sub-divisional Magistrate of *or* Magistrate of the first class specially empowered by Government to perform the functions of a Magistrate under Act IV of 1912] upon the petition of C. D. of [1] in the matter of A. B., [1] a lunatic, accompanied by the medical certificates of G. H., a medical officer, and of J. K., a medical practitioner [*or* medical officer], under the said Act, hereto annexed, hereby authorise you to receive the said A. B. into your asylum. And I declare that I have [*or* have not] personally seen the said A. B. before making this order.

(Sd.) E. F.

(Designation as above.)

To [2]

FORM 3.

Medical Certificate.

(See *sections 18, 19.*)

In the matter of A. B. of [3] in the town of [*or* the sub-division of in the district of] an alleged lunatic.

I, the undersigned C. D., do hereby certify as follows :—

1. I am a gazetted medical officer [*or* a medical practitioner declared by a holder of [4] [*or* declared by Local Government to be a medical Government to be medical officer under Act IV of 1912] practitioner under Act IV of 1912] and I am in the actual practice of the medical profession.

2. On the day of 19 at [5] in the $\frac{\text{town}}{\text{village}}$ of [*or* the sub-division of in the district of] [separately from any other practitioner] [6], I personally examined the said A. B. and came to the conclusion that the said A. B. is a lunatic and a proper person to be taken charge of and detained under care and treatment.

3. I formed this conclusion on the following grounds, *viz.* :—

(*a*) Facts indicating insanity observed by myself, *viz.* :—

(*b*) Other facts (if any) indicating insanity communicated to me by others, *viz.*:—*Here state the information and from whom.*

(Sd.) C. D.

(Designation as above.)

---

[1] Address and description.

[2] To be addressed to the officer or person in charge of the asylum.

[3] Insert residence of patient.

[4] Insert qualification to practise medicine and surgery registrable in the United Kingdom.

[5] Insert place of examination.

[6] Omit this where only one certificate is required.

(Schedule I—Forms.)

FORM 4.

Reception Order in case of Lunatic Soldier.

(See *section 12.*)

Whereas it appears to me that A. B., a European, subject to the Army Act, who has been declared a lunatic in accordance with the provisions of the military regulations, should be removed to an asylum, I do hereby authorise you to receive the said A. B. into your asylum

(Sd.) E. F.

(Administrative Medical Officer.)

To [1]

FORM 5.

Reception Order in case of wandering or dangerous lunatics or lunatics not under proper control or cruelly treated (sent to an asylum established by Government).

(See *sections 14, 15, 17.*)

I, C. D., Presidency Magistrate of [*or* Commissioner of Police for] [*or* the District Magistrate of *or* the Sub-divisional Magistrate of *or* a Magistrate specially empowered by Government under Act IV of 1912] having caused A. B. to be examined by E. F., a Medical Officer, under the Indian Lunacy Act, 1912, and being satisfied that A. B. [*describing him*] is a lunatic who was wandering at large [*or* is a person dangerous by reason of lunacy] [*or* is a lunatic not under proper care and control *or* is cruelly treated or neglected by the person having the care or charge of him] and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A. B. into your asylum.

(Sd.) C. D.

(Designation as above.)

Dated the

To the officer in charge of the asylum at

FORM 6.

Same when sent to a liscensed asylum.

I, C. D., [*as above down to* "care and treatment"] and being satisfied with the engagement entered into in writing by G. H. of [*here insert address and description*] who has desired that the said A. B. may be sent to the asylum at [*here insert*

[1] To be addressed to the person in charge of an asylum duly authorised by Government to receive lunatic Europeans subject to the Army Act.

(*Schedule I—Forms.*)

description of asylum and name of the person in charge] to pay the cost of maintenance of the said A. B., in the said asylum, hereby authorise you to receive the said A. B. into your asylum.

(Sd.) C. D.

(*Designation as above.*)

Dated the

To the person in charge of the asylum at

FORM 7.

Bond on the making over of a lunatic to the care of relative or friend.

(See *sections 14, 15, 17.*)

'Whereas A. B.,' son of , inhabitant of has been brought up before C. D., a Presidency Magistrate for the town of [*or* Commissioner of Police for] [*or* the $\frac{\text{District}}{\text{Sub-divisional}}$ Magistrate of , *or* a Magistrate of the first class specially empowered under Act IV of 1912] and is a lunatic who is believed to be dangerous [*or* deemed to be a lunatic who is not under proper care and control or is cruelly treated or neglected by the person having the charge of him] and whereas I, E. F., son of , inhabitant of , have applied to the Magistrate [*or* Commissioner of Police], that the said A. B. may be delivered to my care:

I, E. F., abovenamed hereby bind myself that on the said A. B. being made over to my care, I will have the said A. B. properly taken care of and prevented from doing injury to himself or to others: and in case of my making default therein, I hereby bind myself to forfeit to His Majesty the King-Emperor of India, the sum of rupees

Dated this day of 19 .

(Sd.) E. F.

(*Where a bond with sureties is to be executed add*)—We do hereby declare ourselves sureties for the abovenamed E. F. that he will, on the aforesaid A. B. being made over to his care, have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making default therein, we bind ourselves, jointly and severally, to forfeit to His Majesty the King-Emperor of India, the sum of rupees .

Dated this day of 19 .

(*Signature.*)

(*Schedule I—Forms.*)

FORM 8.

Bond on the discharge of a lunatic from an asylum on the undertaking of relative or friend to take due care.

(See *section 33.*)

Whereas A. B., son of , inhabitant of is a lunatic who is now detained in the asylum at under an order made by C. D., a Presidency Magistrate for the town of [*or* Commissioner of Police for]. [*or* the District/Sub-divisional Magistrate of , *or* a Magistrate of the first class specially empowered under Act IV of 1912] under section 14 [*or* section 15] of Act IV of 1912, and whereas I, E. F., son of , inhabitant of , have applied to the said Magistrate [*or* Commissioner of Police] that the said A. B. may be delivered to my care and custody:

I hereby bind myself that on the said A. B. being made over to my care and custody, I will have him properly taken care of and prevented from doing injury to himself or to others; and in case of my making default therein, I hereby bind myself to forfeit to His Majesty the King-Emperor of India, the sum of rupees .

Dated this day of 19 .

(Sd.) E. F.

(*Where a bond with sureties is to be executed add*)—We do hereby declare ourselves sureties for the abovenamed E. F. that he will, on the aforesaid A. B. being delivered to his care and custody, have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making default therein, we bind ourselves, jointly and severally, to forfeit to His Majesty the King-Emperor of India, the sum of rupees .

Dated this day of 19 .

(*Signature.*)

(Schedule II—Enactments repealed.)

SCHEDULE II.

ENACTMENTS REPEALED.

(See *section 101.*)

Year.	No.	Short title.	Extent of Repeal.
1	2	3	4
1858	XXXIV	Lunacy (Supreme Courts) Act, 1858...	So much as has not been repealed.
1858	XXXV	Lunacy (District Courts) Act, 1858 ...	Do.
1858	XXXVI	Indian Lunatic Asylums Act, 1858 ...	Do.
1877	XI	Military Lunatics Act, 1877 ...	Do.
1886	XVIII	Indian Lunatic Asylums Act (1858) Amendment Act, 1886.	Do.
1889	XX	Indian Lunatic Asylums Act (1858) Amendment Act, 1889.	Do.
1894	XIII	Amending (Army) Act, 1894 ...	So much as relates to the Military Lunatics Act, 1877.
1898	V	Code of Criminal Procedure, 1898 ...	Section 471, sub-sections (*2*) and (*3*), and section 472.
1909	V	Amending (Army) Act, 1909 ...	So much as relates to the Military Lunatics Act, 1877.

Section II.

The Bombay Lunacy Rules under the Indian Lunacy Act (IV of 1912).

GENERAL DEPARTMENT.

Secretariat, Fort, Bombay, 19th October 1921.

No. 322.—In exercise of the powers conferred by section 91 of the Indian Lunacy Act, 1912 (IV of 1912), and in supersession of the notifications noted in the margin* the Government of Bombay are pleased to make the following rules for the administration of the Act in the Bombay Presidency :—

* General Department Notification, dated the 18th May 1864. General Department Notification No. 3881, dated the 23rd December 1887. General Department Notification No. 4997-A., dated the 11th September 1890. General Department Notification No. 4258, dated the 8th December 1891. General Department Notification No. 1495, dated 19th March 1909.

1. *General Establishment of Mental Hospitals.*—Mental Hospitals have been established by Government under section 84 of the Act at the following stations in the Bombay Presidency for the reception and treatment of persons of any class from any part of the Bombay Presidency :—

Central Mental Hospital, North Yeravda, Poona.

Mental Hospital, Ahmedabad.

Narotamdas Madhavdas Mental Hospital, Naupada (Thana District).

Mental Hospital, Dharwar.

Mental Hospital, Ratnagiri.

2. *Detention of person under observation.*—(*a*) A person ordered to be detained for observation under section 16 of the Act in any district in which there is no Mental Hospital shall be sent to a hospital or dispensary where suitable accommodation exists, or to a jail or lock-up, as may seem most appropriate to the Magistrate or Commissioner of Police, regard being had to his apparent condition the means of accommodation and guarding, and the facilities for skilled observation available in each case.

(*b*) The Magistrate or Commissioner of Police may at his discretion make special provision for guarding the person detained by police officers.

3. *Admission of voluntary boarders.*—(*a*) Any person who wishes to become a voluntary boarder in a Mental Hospital must obtain from the Superintendent a form (Appendix I), which he will fill up and sign and have countersigned by two of the official visitors. He should then submit the form to the Superintendent, who will admit him for treatment, if suitable accommodation is available.

(*b*) Voluntary boarders, whose means allow, shall pay at the rates prescribed by Government, but, if destitute, they may be admitted free.

4. (1) *Intimation to Superintendent that lunatic is to be received.*—Any authority before making a reception order or an order for admission to any Mental Hospital shall communicate direct with the Superintendent, or if necessary, the Surgeon General, and ascertain if accommodation is available specifying at the same time the sex, race and caste of the lunatic (Government Notification, G. D., No. 322, dated 18th June 1925).

(2) *Inquiry as to the domicile of the lunatic.*—A Magistrate or the Commissioner of Police making a reception order under section 14 or 15 of the Act, shall after ascertaining that accommodation is available, direct the reception of the lunatic into the nearest Mental Hospital or asylum affording suitable accommodation. He shall, in all cases, make strict enquiry as to the domicile of the lunatic and shall see that entry to that effect is made in the medical history sheet (Appendix III) or is communicated as soon as possible to the Superintendent of the asylum in which the lunatic is to be admitted.

(3) *Procedure to be followed by Magistrate making reception order under sections 5-11 of the Act.*—A Magistrate cannot authorize the admission of a lunatic under sections 5-11 of the Act into an asylum or Mental Hospital in another province, except under a general or special order of the local Government made in this behalf section 85 of the Act). In all such cases he shall first satisfy (himself that accommodation is available, and that the cost of maintenance will be paid (section 11). In order to effect the earliest possible treatment of the lunatic, action shall be taken as soon as possible, and the Magistrate shall furnish to Government in writing full details as to domicile, reasons for the admission, fees agreed to, etc.

(4) *Report to Government in case of lunatics domiciled elsewhere than in the Presidency.*—As soon as it is known that a lunatic, who has been admitted to a Mental Hospital or asylum in the province of Bombay, is domiciled elsewhere than in that province, the fact (with details of the case) should be brought to the notice of the Local Government, so that action for the removal of the lunatic may, if advisable, be initiated early with the Government of the province of domicile, under section 35 of the Act (Government Notification, G. D., No. 3107, dated 23rd April 1923).

5. *Transfer and escort of lunatics.*—(1) When a Magistrate has made an order under section 14 or 15 of the Act for the detention of a lunatic in a Mental Hospital he shall arrange, in communication with the Police, for the early despatch of such lunatic with a suitable escort. The reception order, the medical history sheet in the form. Appendix III, the evidence of the medical witness, if taken, and any other papers that may be necessary or have a bearing on the lunatic's state of mind shall be forwarded to the Superintendent of the Hospital by registered post, a duplicate of the order being also given to the escort. If for any reason the medical history sheet or other documents not prescribed by the Act cannot be forwarded at once, they should be furnished later; but the

lunatic should not be allowed to remain in a civil hospital or lock-up because these papers are not ready.

(2) No lunatic shall be despatched to a Mental Hospital unless a medical officer or medical practitioner certifies in the prescribed form (Appendix II) immediately before despatch that he is fit to travel. The originals of such certificates shall be sent to the Superintendent of the Hospital by post.

(3) The Magistrate shall satisfy himself that the lunatic is provided with sufficient clothing and bedding for his protection and comfort during the journey. He shall provide the escort with sufficient means to purchase food for the lunatic on the journey, and shall instruct the officer in charge to take the lunatic to the nearest hospital for treatment in the event of his becoming ill.

(4) A female lunatic shall always be accompanied by a female attendant or relative, in addition to the police escort.

6. *Documents to accompany a lunatic sent to a Mental Hospital.*— The Superintendent shall see that the documents detailed below and such other documents as may be from time to time prescribed accompany every lunatic sent to the Mental Hospital. Any defect or omission discovered shall be brought to the notice of the authority or person concerned with a view to its prompt rectification :—

A

Documents to be forwarded by the Magistrate in the case of a lunatic placed under restraint upon petition—

(1) The reception order (Schedule I, Form 2, of the Act).

(2) The two medical certificates referred to in section 5 (*1*).

(3) The original application for a reception order, and statement of particulars (Schedule I, Form 1, of the Act).

(4) If the case has been investigated or sent up by the police, the more important police papers (or copies thereof) bearing on the mental condition and history of the lunatic.

(5) A certificate of fitness for travelling [Rule 5 (2) and Appendix II].

B

Documents to be forwarded by the Magistrate or by the Commissioner of Police in the case of a lunatic found wandering at large, a dangerous lunatic, or a lunatic not under proper care and control, or who is cruelly treated or neglected—

(1) The reception order (Schedule I, Form 5, of the Act).

(2) A certificate from a medical officer (Schedule I, Form 3, of the Act).

(3) The revised form of medical history sheet (Appendix III).

(4) If the case has been investigated or sent up by the police, the more important police papers (or copies thereof) bearing on the mental condition and history of the lunatic.

(5) A certificate of fitness for travelling [Rule 5 (2) and Appendix II].

C.

Documents to be forwarded by the Court in the case of a criminal lunatic sent to a Mental Hospital under section 466 or 471 of the Criminal Procedure Code read with section 24 of the Act—

(1) A copy of the judgment, or where there is no judgment, of the order of the Court. Also, in any case tried by jury in a Sessions Court, or in the Court of the Judicial Commissioner of Sind, a copy either of the heads of the charge to the jury or of the Committing Magistrate's order, or of both, as may be considered by the presiding Judge to be most useful.

(2) The revised form of medical history sheet (Appendix III).

(3) If the case has been investigated or sent up by the police, the more important of the police papers (or copies thereof) bearing on the mental condition and history of the lunatic.

(4) A certificate of fitness for travelling [Rule 5 (2) and Appendix II].

D

Documents to be forwarded by the Superintendent of the jail in the case of a prisoner becoming insane while in jail and being transferred from a jail to a Mental Hospital under section 30 (*1*) of the Prisoners Act, 1900—

(1) The nominal roll of the prisoner.

(2) A copy of the warrant under which he is confined.

(3) The medical officer's certificate in the form prescribed.

(4) The revised form of medical history sheet (Appendix III).

(5) A copy of the judgment should also be supplied by the Superintendent of Jail.

E

Documents to be forwarded by the military authorities in the case of an insane British soldier sent by a medical officer under section 12 of the Act—

Documents prescribed by the military regulations.

7. *Amendment of papers sent with lunatics.*—Superintendents of Mental Hospitals shall remedy as far as possible all important deficiencies in the papers forwarded to them with reference to any lunatic, other than the papers referred to in section 27, after communicating with the authority who signed the order for detention, reception or admission or with the certifying medical officers.

8. *Monthly meeting : official visitors.*—(*a*) A meeting of at least three official visitors, one of whom shall be a medical officer, shall be held once in each month to inspect the Mental Hospital, notice being given by the Superintendent, who shall endeavour to arrange the time and date to meet the convenience of the visitors.

(*b*) The official visitors shall be summoned to the monthly meeting by rotation. One notice shall be sent a week before and another 24 hours before the meeting. When an official visitor is

unable to comply with the summons, it is his duty to provide a substitute from the official visitors' list. The substitute for a medical visitor must be a medical visitor. When an official visitor fails to attend a monthly meeting (or arrange for a substitute if unable to attend) he shall furnish an explanation to the Superintendent for submission to the Surgeon General.

(*c*) A list of the official visitors shall be printed on the notice calling the meeting.

(*d*) All orders of Government relating to the management of Mental Hospitals shall be laid before the official visitors at their monthly meeting, together with any remarks of visitors who may have visited the hospital since the last meeting.

9. *Remarks by official visitors in visitors' book.*—An official visitor shall record in the visitors' book any remarks he may wish to make. A copy of such remarks shall be transmitted to the Surgeon General by the Superintendent with such comments as he considers necessary.

10. *Reports by official visitors on criminal lunatics.*—When the official visitors certify that a criminal lunatic detained under section 466 of the Criminal Procedure Code is capable of making his defence or that a criminal lunatic detained under the said Code may be discharged, their certificate shall be forwarded to the Magistrate or Court concerned or to Government, through the Superintendent who shall forward with it a report in the manner prescribed in rule 11. When the official visitors certify under section 473 of the said Code that a criminal lunatic is capable of making his defence, they shall at the same time state whether he may be safely discharged; a certified copy of their statement shall be forwarded by the Superintendent to the trying court.

11. *Removal and discharge of criminal lunatics detained under Chapter 34 of the Criminal Procedure Code.*—A Superintendent submitting for orders the report of the visitors on the case of a criminal lunatic detained under the provisions of Chapter 34 of the Criminal Procedure Code, shall forward therewith to the Magistrate or Court concerned or to Government, as the case may be, the medical history sheet of the lunatic in the form of Appendix IV accompanied by an abstract from the Mental Hospital case book detailing the chief events in his history, recorded opinions with dates regarding his mental attitude while under observation in the Hospital and shall state his opinion as to the safety of the proposed procedure. When a report is submitted with reference to a lunatic whom it is proposed to deal with under section 474 or 475 of the Criminal Procedure Code, the Superintendent shall also submit in the fullest detail his reasons for believing that it is safe to set the lunatic at liberty; and when the Superintendent considers that, owing to the nature of the disease or to the nature of the crime for which the lunatic has been detained, there are elements of difficulty, he may, when submitting his report, advise that the lunatic be transferred for further observation to a Central Mental Hospital. The Superintendent of the Central Mental Hospital to which such

lunatic may be transferred shall, after such period of observation as he may consider necessary, submit his recommendations to Government.

12. *Removal of lunatic prisoner.*—The Superintendent shall *suo motu* submit to Government concerning any lunatic prisoner detained under section 30 of the Prisoners Act, 1900, whom he considers to have become of sound mind, a report in the manner prescribed in rule 11 as soon as he considers it safe to return the prisoner to jail to complete his sentence.

13. *Detention of a lunatic prisoner after expiry of sentence.*—When the Superintendent considers it necessary that a lunatic prisoner should be detained after the completion of his sentence he shall submit a report in the manner prescribed in rule 11 not less than 21 days before the expiry of the sentence of the said lunatic prisoner.

14. *Special reports on criminal lunatics detained under the Criminal Procedure Code.*—(*a*) Superintendents shall submit special half-yearly reports regarding criminal lunatics detained under the provisions of the Criminal Procedure Code on the 1st January and 1st July of each year, a separate report being submitted in each case in the prescribed form.

(*b*) With these half-yearly reports an abstract statement shall be submitted in the form prescribed, the reports on individual cases being summarised therein.

15. *Discharge of destitute inmates: travelling expenses.*—When a person detained in a Mental Hospital, who has no means or relations to assist him, is about to be discharged and has a long distance to go to his native place, a sum sufficient for his travelling expenses shall be given to him by the Superintendent of the Hospital.

16. *Disposal of documents on discharge or death of inmate.*—On the discharge or death of inmates other than criminal lunatics or military insanes all documents received with them shall be filed. In the case of military insanes they shall be disposed of in accordance with the military regulations in force.

17. *Escape of an inmate: report.*—In the event of the escape of a person received into a Mental Hospital an immediate report with a full description shall be made to the police authorities, and within 24 hours to the Surgeon General and the Magistrate who authorised his detention.

18. *Fees chargeable for maintenance.*—Fees will be charged for the maintenance of inmates of Mental Hospitals at the following rates:—

(i) For the purposes of this rule the expression "salary" shall be interpreted according to the definition given in article 38 of the Civil Service Regulations.

(ii) A person in receipt of an annual income or salary of Rs. 1,000 or more or who is a member of the family of such person and actually dependant on him, shall, when admitted into a

Mental Hospital, pay fees according to the following scale, viz., annas 6 per diem for incomes or salaries of Rs. 100 per mensem, 8 annas for the first Rs. 100 and thereafter 8 annas for each complete Rs. 50 per mensem of income or salary in excess of the above amount subject to a maximum of Rs. 15 per diem.

(iii) In addition to the fees prescribed by sub-rule (ii) there will be a daily charge for accommodation in a private ward varying from Rs. 3 to Rs. 5 according to the class of accommodation provided. Special nursing will also be separately charged for at the rate of Rs. 5 to Rs. 7 per diem.

(iv) The provisions of sub-rules (ii) and (iii) shall be subject to the following exceptions :—

(*a*) Government servants and other persons entitled to free attendance from any member of the medical staff of the Hospital shall be charged half the rates prescribed in rules (ii) and (iii). For the purposes of this rule the salary of a Government servant who is on leave shall be the amount which he is actually drawing at the time.

(*b*) Officers and soldiers of His Majesty's Regular Forces and Officers of the Royal Indian Marine shall be charged at the rates prescribed in the Army Regulations, India.

(*c*) Nothing in the above rules regarding fees shall affect the authority of payments made under sections 87, 88 and 89 of the Indian Lunacy Act, 1912. (G. R., G. D., No. 322, dated 17th Feb. 1925.)

(v) The fees due from inmates shall ordinarily be payable monthly in advance. For the purposes of their calculation the day of admission into the Hospital and the day of discharge therefrom shall both be treated as complete days.

(vi) If the Magistrate who authorised the detention of an inmate finds, after due enquiry, that the petitioner or other person who engaged in writing, under clause (*b*) of section 11, to his satisfaction to pay the cost of maintenance of the inmate, has died or has become at any time, on account of insolvency or any other reason, unable to continue the payment of the cost of maintenance, he may order a reduction or remission of such cost and inform the Superintendent accordingly.

(vii) A Magistrate who has remitted the cost of maintenance in accordance with clause (vi) shall, after due enquiry with regard to the residence of the inmate prior to his admission into the Hospital, issue a fresh maintenance order charging the Municipality or any other local body of which he was a habitual resident with the maintenance charge at the prescribed rate.

19. *Pregnant inmate.*—If a female inmate is found to be pregnant when she is admitted, the fact should be noted in the case book and her family informed at once. If the fact becomes known later, her family should be informed without delay. Whenever it is possible for her family to make arrangements for her confinement outside the Hospital, this course shall be followed.

20. *Dangerous illness of an inmate.*—If an inmate becomes seriously ill, the fact should be at once notified to his relatives or friends if traceable.

21. *Death of an inmate.*—On the death of an inmate the fact should at once be notified to the relatives or friends, if known, and also to the authority by whom the lunatic was sent to the Hospital.

22. *Post-mortem examination.*—In cases in which suspicion has arisen as to the cause of death, the Superintendent should obtain a Magistrate's order to make a *post-mortem* examination. In other cases a *post-mortem* examination may be made, if practicable, when it is likely to furnish information as to the nature or cause of insanity. The consent of the relatives, if any, should first be obtained.

23. *Report of death of criminal lunatic or lunatic prisoner.*—A report of the death of a person confined in a Mental Hospital under the provisions of Chapter XXXIV of the Code of Criminal Procedure, 1898, or of the Prisoners Act, 1900, shall be submitted by the Superintendent of the Hospital to the Surgeon General, who shall dispose of the same after satisfying himself that the standing orders relating to such reports have been duly carried out by the Superintendent.

24. *Funeral expenses.*—The funeral expenses of pauper inmates shall be defrayed by Government, but in the case of fee-paying inmates shall be paid by the person or persons hitherto responsible for the maintenance of the inmate.

25. *Mechanical restraint.*—Mechanical restraint shall be used as rarely as possible and only under the orders of the Superintendent.

26. *Permission to visitors to visit a Mental Hospital.*—No one unconnected with a Mental Hospital shall be permitted to enter the Hospital without an order in writing from the Superintendent or Deputy Superintendent. It is within the discretion of the Superintendent to refuse a visitor access to a particular inmate or admission to the Hospital.

27. *Hours of visits of friends or relatives.*—Visits of friends or relatives to inmates are permitted on the days and at the hours fixed by the Superintendent. The Superintendent, or in his absence his head assistant, may give special permission for visits at other times.

28. *Business interviews with inmates.*—Business interviews between visitors and inmates are only allowed with the permission of the Superintendent and in the presence of one of the upper staff.

29. *Letters to and from inmates.*—All letters to and from inmates must pass through the hands of the Superintendent, who will decide whether they should be delivered to the parties concerned.

30. *Male visitors in female wards.*—Male visitors to a Mental Hospital are permitted to enter the female enclosure only with the express permission of the Superintendent in writing. If admitted,

they will only be allowed to converse with the inmate in the presence of one of the upper staff.

31. *Lunatic merchant seamen.*—The Superintendent shall furnish notice of admission or discharge of a lunatic merchant seaman to the Shipping Master, Bombay, who will procure in the case of an admission whatever information is obtainable relating to the previous history of the lunatic.

32. *Despatch of lunatics to England.*—As removal from a tropical climate generally proves beneficial to European lunatics, the Superintendent shall report to Government the case of any native of Great Britain or Ireland who shows no signs of amendment at the expiration of six months from the date of admission and shall state whether he should be sent home at the public expense. If, however, the Superintendent deems it necessary that any such lunatic should be sent home at an earlier period, he shall submit a recommendation to that effect through the Surgeon General.

33. *Private property of inmates.*—(*a*) The Superintendent shall keep a Private Property Book in which all property belonging to an inmate brought to the Hospital shall be entered.

(*b*) Articles of small value, cooking utensils, and perishable articles shall be placed in the store room in charge of a responsible officer, to be restored on discharge, if this takes place within a year. After the expiry of this period such articles shall be sold and the proceeds credited to the inmate's account; perishable articles may be so disposed of at an earlier date under the orders of the Superintendent.

(*c*) Articles of value, gold, silver, rings, chains, watches, trinkets, etc., shall be kept in the Hospital office safe in separate sealed packets with the owner's name thereon and may not be disposed of without the sanction of the authority which ordered his confinement. The officer in charge of the safe shall be responsible for these articles.

(*d*) All sums of rupees ten and above belonging to any lunatic inmate and found or brought with him on admission to the Mental Hospital shall be deposited in the Post Office Savings Bank to the credit of the said inmate and every such account shall be operated by the Superintendent in the interests of the inmate in consultation with his relatives or guardians, if any. Such sums if under Rs. 10 may be kept in the safe of the Steward and may be expended in the interests of the inmate by the Superintendent as and when required. The amounts so kept shall be accounted for in the Private Money Account Ledger of the Institution.

(*e*) The Private Property Book and the Private Money Account shall be examined by the audit officers in the same way as the public accounts, and the property shall be checked by such officers at the time of audit.

34. *Clothing of inmates.*—The Superintendent may permit any inmate to wear his own clothes.

35. *Private servants.*—Inmates may have private servants with the Superintendent's consent if they pay for them. These private

servants should as a rule be engaged by the Superintendent, and shall work under his control.

36. *Employment of inmates.*—No official of the Mental Hospital shall employ an inmate to do any private work, without the permission of the Superintendent.

37. *Penalty.*—Whoever commits a breach of rules 26, 27, 28, 29 and 30 shall, on conviction by a Magistrate, be punishable with fine which may extend to fifty rupees.

38. *Definitions.*—In these rules, unless there be something repugnant in the subject or context—

(*a*) "Act" means the Indian Lunacy Act, 1912.

(*b*) "Section" means a section of the Act.

(*c*) "Superintendent" means the officer in charge of a Mental Hospital.

(*d*) "Official Visitor" means any person appointed a visitor by the Local Government under the Act.

39. *Short title.*—These rules may be called the Bombay Lunacy Rules, 1921.

APPENDIX I.

(*Vide* rule 3.)

APPLICATION FORM FOR RECEPTION.

(For Voluntary Boarders.)

To

The Visitors,
Mental Hospital,

Sirs,

I hereby request that you will authorise the Superintendent, Mental Hospital, to receive me into the abovementioned institution as a voluntary boarder under the proviso to sub-section (*1*) of section 4 of the Indian Lunacy Act, IV of 1912.

I hereby engage to pay the cost of maintenance in the Mental Hospital at the rate of Rs. per day (or I hereby declare that I am destitute and unable to defray the cost of my maintenance).

I beg to remain,
Sirs,
Yours faithfully,

Address—

Signature of the applicant.

Date

I hereby certify that I am willing to receive $\frac{\text{Mr.}}{\text{Mrs.}}$ for treatment as a voluntary boarder in the Mental Hospital; accommodation for $\frac{\text{him}}{\text{her}}$ is available.

Date

Superintendent,
Mental Hospital.

Approved.
Signature of the Visitor.
Date

Approved.
Signature of the Visitor.
Date

APPENDIX II.

(*Vide* rule 5.)

CERTIFICATE OF FITNESS FOR TRANSFER AND CONDITION OF HEALTH IN THE CASE OF LUNATICS SENT TO MENTAL HOSPITALS.

Station
Date

Certified that $\frac{\text{criminal lunatic}}{\text{the lunatic}}$ (Name)

is in sufficiently good health, and in a fit state, to travel from (name of the station) to the Mental Hospital at

(Signed)

$\frac{\text{Medical Officer.}}{\text{Medical Practitioner.}}$

N.B.—The certificate may be signed by any registered medical practitioner or medical officer.

APPENDIX III.

REVISED FORM OF MEDICAL HISTORY SHEET OF LUNATICS.

N.B.—The ultimate responsibility for the preparation of this form rests with the Committing Officer, who must see that the requisite information is supplied by the police and the Medical Officer without undue delay.

Questions to be answered upon information supplied by the Police alone.

1. Name of patient in full and caste or race.
2. Name of patient's father.
3. Married or single or widowed.
4. Condition of life and previous occupation (if any).
5. Religion.

6. Place of birth and recent place of abode* or domicile.†

7. Whether homeless or living with relatives. ‡

8. Whether any member of patient's family has been or is affected with insanity.

9. Whether the attack is the first attack of insanity or not.

10. Age (if known) at onset of the first attack.

11. Previous history and habits§ and facts indicating insanity.

12. Duration and nature of any previous attacks.

13. Supposed cause of insanity. ‖

14. Duration of existing attack.

Signature.

Questions to be answered by the Medical Officer alone.

1. Sex and age of patient.

2. Marks whereby the patient may be identified.

3. State of bodily health. ¶

4. Symptoms exhibited.

5. Supposed exciting cause of present attack.

6. Whether subject to epilepsy or any other disease.

7. Whether suicidal.

8. Whether dangerous to others.

Signature.

* Here the name of the lane or street, village, police station and district and length of residence should be stated. As much detail as possible should be given.

† Government Notification, G. D., No. 3107, dated 23rd April 1923.

‡ This heading should show the names and addresses of the relatives or persons legally bound to maintain the lunatic (if any), and whether they are able and willing to take charge of him or to bear the cost of his maintenance in the mental hospital and, if not, why not.

§ In this the mode of life the patient led, his conduct, reasons for suspecting insanity, history of any particular illness which may have helped to produce this condition of mind, his temperament or any habit of taking or smoking any drug should be mentioned; in the case of criminal lunatics, also the nature of the crime, the detailed circumstances under which it was committed, how he came to be arrested by the Police and the section under which the lunatic was charged and the result of trial in addition to other particulars which may be available.

‖ Whether he is addicted to any spirits or drugs, and if so, for how long he has been so addicted and what is the quantity habitually taken, whether he is a member of any particular religious or political society; or whether he suffered from loss of property, loss of relatives, domestic troubles, or ill-health immediately before the attack.

¶ In this, the general health of the patient as well as any abnormality of feature or development should be entered. It is desirable that special mention be made as to whether the patient is or is not suffering from any tubercular disease.

APPENDIX IV.

(*Vide* rule 11.)

Whenever the papers of a criminal lunatic are sent up to Government or to a court for orders they should be accompanied by a medical history sheet containing the following particulars:—

1. Name and sex.
2. Crime.
3. Present age.
4. Physical state.
5. Probable cause of insanity.
6. Type of insanity.
7. Duration of insanity if it has not been continuous, giving dates.
8. Has he, while insane, been considered especially dangerous to others? If so, give dates.
9. If reported sane, how long since last manifestation of insanity?
10. What has been his demeanour and conduct while noted as sane?
11. Is he subject to relapses? If so, give dates.
12. Is he capable (*a*) of taking care of himself, (*b*) of earning a livelihood?
13. How has he been employed while in the Hospital?
14. If security is obtainable, its nature and the social position and character of the sureties to be stated.

Section III.

Extracts from the Code of Criminal Procedure, 1898, Act V of 1898, as amended by Act XVIII of 1923.

345. (4) When the person who would otherwise be competent to compound an offence under this section is under the age of 18 years or is an idiot or a lunatic, any person competent to contract on his behalf may with the permission of the Court compound such offence.

Procedure in case of accused being lunatic.

464. (1) When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the District or such other medical officer as the Local Government directs, and thereupon shall examine such surgeon or other officer as a witness, and shall reduce the examination to writing.

(*a*) Pending such examination and inquiry, the Magistrate may deal with the accused in accordance with the provisions of section 466.

(2) If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall record a finding to that effect and shall postpone further proceedings in the case.

Procedure in case of person committed before a Court of Session or High Court being lunatic.

465. (1) If any person committed for trial before a Court of Session or a High Court appears to the court at his trial to be of unsound mind and consequently incapable of making his defence, the jury, or the court with the aid of assessors, shall, in the first instance ,try the fact of such unsoundness and incapacity, and, if the jury or court as the case may be is satisfied of the fact, the Judge shall record a finding to that effect, and shall postpone further proceedings in the case and the jury, if any, shall be discharged.

(2) The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the court.

Release of lunatic pending investigation or trial.

466. (1) Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or court, as the case may be, whether the case is one in which bail may be taken or not, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or court or such officer as the Magistrate or court appoints in this behalf.

Custody of lunatic.

(2) If the case is one in which, in the opinion of the Magistrate or court, bail should not be taken, or if sufficient security is not given, the Magistrate or court, as the case may be, shall order the accused to be detained in safe custody in such place and manner as he or it may think fit, and shall report the action taken to the Local Government:

Provided that no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the Local Government may have made under the Indian Lunacy Act (IV of 1912), 1912.

Resumption of inquiry or trial.

467. (1) Whenever an inquiry or a trial is postponed under section 464 or section 465, the Magistrate or court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or court.

(2) When the accused has been released under section 466, and the sureties for his appearance produce him to the officer whom the Magistrate or court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

Procedure on accused appearing before Magistrate or Court.

468. (1) If, when the accused appears or is again brought before the Magistrate or the court, as the case may be, the Magistrate or court considers him capable of making his defence, the inquiry or trial shall proceed.

(2) If the Magistrate or court considers the accused to be still incapable of making his defence, the Magistrate or court shall again act according to the provisions of section 464 or section 465, as the case may be, and if the accused is found to be of unsound mind and incapable of making his defence, shall deal with such accused in accordance with the provisions of section 466.

When accused appears to have been insane.

469. When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was, at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate shall proceed with the case and if the accused ought to be committed to the Court of Session or High Court, send him for trial before the Court of Session or High Court, as the case may be.

Judgment of acquittal on ground of lunacy.

470. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not.

Person acquitted on such ground to be kept in safe custody.

471. (1) Whenever the finding states that the accused person committed the act alleged, the Magistrate or court before whom or which the trial has been held, shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be detained in safe custody in such place and manner as the Magistrate or court thinks fit, and shall report the action taken to the Local Government:

Provided that no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the Local Government may have made under the Indian Lunacy Act (IV of 1912), 1912.

Power of Local Government to relieve Inspector General of certain functions.

(2) The Local Government may empower the officer in charge of the Jail, in which a person is confined under the provisions of section 466 or this section, to discharge all or any of the functions of the Inspector General of Prisons under section 473 or section 474.

Procedure where lunatic prisoner is reported capable of making his defence.

473. If such person is detained under the provisions of section 466, and in the case of a person detained in a Jail, the Inspector General of Prisons, or in the case of a person detained in a lunatic asylum, the visitors of such asylum or any two of them shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or court, as the case may be, at such time as the Magistrate or court appoints, and the Magistrate or court shall deal with such person under the provisions of section 468; and the certificate of such Inspector General or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic confined under section 466 or 471 is declared fit to be discharged.

474. (1) If such person is detained under the provisions of section 466 or section 471 and such Inspector General or visitors shall certify that, in his or their judgment, he may be released without danger of his doing injury to himself or to any other person, the Local Government may thereupon order him to be released or to be

detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum; and, in case it orders him to be transferred to an asylum, may appoint a commission, consisting of a judicial and two medical officers.

(2) Such commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government, which may order his release or detention as it thinks fit.

Delivery of lunatic to care of relative or friend.

475. (1) Whenever any relative or friend of any person detained under the provisions of section 466 or section 471 desires that he shall be delivered to his care and custody, the Local Government may, upon the application of such relative or friend and on his giving security to the satisfaction of such Local Government that the person delivered shall—

(*a*) be properly taken care of and prevented from doing injury to himself or to any other person, and

(*b*) be produced for the inspection of such officer, and at such times and places, as the Local Government may direct, and

(*c*) in the case of a person detained under section 466, be produced when required before such Magistrate or court,

order such persons to be delivered to such relative or friend.

(2) If the person so delivered is accused of any offence the trial of which has been postponed by reason of his being of unsound mind and incapable of making his defence, and the inspecting officer referred to in sub-section (*1*), clause (*b*) certifies at any time to the Magistrate or court that such person is capable of making his defence, such Magistrate or court shall call upon the relative or friend to whom such accused was delivered to produce him before the Magistrate or court, and, upon such production, the Magistrate or court shall proceed in accordance with the provisions of section 468, and the certificate of inspecting officer shall be receivable as evidence.

Section IV.

Extract from the Prisoners Act, 1900 (III of 1900).

Lunatic Prisoners: how to be dealt with.

30. (1) Where it appears to the Local Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the Local Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a Lunatic Asylum or other place of safe custody within the province, there to be kept and treated as the Local Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the Local Government that the prisoner has become of sound mind, the Local Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the province, or if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of section 31 of the Indian Lunacy Act, IV of 1912, shall apply to every person confined in a Lunatic Asylum under sub-section (*1*) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a Lunatic Asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

(4) In any case in which the Local Government is competent under sub-section (*1*) to order the removal of a prisoner to a Lunatic Asylum or other place of safe custody within the province, the Local Government may order his removal to any such asylum or place within any other province or within the territories of any Native Prince or State in India by agreement with the Local Government of such other province or with such Native Prince or State, as the case may be, and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed under sub-section (*1*) shall, so far as they can be made applicable, apply to a prisoner removed under this sub-section (*vide* Devolution Act, XXXVIII of 1920).

Section V.

Correspondence from the Secretary of State for India regarding the removal of Criminal Lunatics from India to England.

Letter from the Government of India, Home Department (Medical), No. 411, dated 4th May 1905.

I am directed to forward for the information of the Government of Bombay a copy of the despatch from the Secretary of State, No. 168 (Public), dated the 2nd December 1904, and of its enclosures marginally noted, regarding the removal of criminal lunatics from India to England.

1. Letter from the Home Office No. 123006-2, dated 27th October 1904.

2. Text of an Order in Council, dated 13th December 1889, and annexures (Forms Nos. I-VIII).

2. It has hitherto been the practice to send a criminal lunatic to the United Kingdom under section 1 of the Lunatics Removal (India) Act, 1851 (14 and 15 Vict., Cap. LXXXI), without previous reference to the Home Government. It appears, however, that owing to pressure on the accommodation at Broadmoor inconvenience is anticipated in the future from a continuance of this procedure and the Home Office, therefore, suggests that action for the removal of such a lunatic shoud hereafter be taken under the Colonial Prisoners Removal Act, 1884 (47 and 48 Vict., Ch. 31), under which a reference to His Majesty's Government is required before action is taken in this country.

3. The Government of India have accepted this suggestion. I am accordingly to request that in future the necessary action for the removal of a criminal lunatic to the United Kingdom may be taken under Act of 1884 by the Government of Bombay in direct correspondence with the Secretary of State.

Removal and Return of Prisoners and Criminal Lunatics.

Order in Council regulating the Removal and Return of Prisoners and Criminal Lunatics.

At the Court at Windsor, the 13th day of December, 1889.

Present.

The Queen's Most Excellent Majesty.

Lord President.	Sir William Hart Dyke, Bart.
Earl of Coventry.	Mr. Ritchie.

Lord Morris

Her Majesty, by virtue and in exercise of the powers in this behalf vested in Her by the Colonial Prisoners Removal Act, 1884,

is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows :—

The following regulations are hereby made as to the removal and return of prisoners and criminal lunatics under the said Act :—

(1) Every prisoner removed under the said Act from a British possession to the United Kingdom for the purpose of undergoing the residue of a sentence involving confinement in a prison combined with hard labour, shall, in the United Kingdom, be dealt with as follows, that is to say,

If the original period of his sentence did not exceed two years, in the same manner as if he had been sentenced in the United Kingdom to imprisonment with hard labour for the same period. And if the original period of his sentence exceeded two years, in the same manner as nearly as may be, as if he had been sentenced in the United Kingdom to penal servitude for the same period.

(2) Every prisoner removed under the said Act from one British possession to another British possession for the purpose of undergoing the residue of a sentence shall in such last mentioned British possession be dealt with in the same manner as if he had there been sentenced to such punishment authorised by the law thereof as in the opinion of the Secretary of State signing the order of removal shall most nearly correspond to the punishment to which he was sentenced in the first-mentioned British possession, and for the same period.

(3) The forms in the Schedule to this Order or forms to the like effect, varied as circumstances may require, may be used under the said Act.

V.—Order of Removal of a Criminal Lunatic.

Colonial Prisoners Removal Act, 1884.

Whereas A. B. is in custody in the colony (or Presidency or) of as a criminal lunatic having been charged with the offence of , and found to have been insane at the time of such offence (or be unfit on the ground of insanity to be tried for such offence) (or having been convicted of the offence of) and sentenced to penal servitude (or imprisonment, or) for the term of years from the day of 18 (or for life), and afterwards certified (or lawfully proved) to be insane.

And whereas it is likely that the life (or health) of the said A. B. will be endangered (or permanently injured) by further detention in custody in the said colony (or presidency, or).

[Or the said A. B. belonged at the time of the said offence to the Royal Navy (or to Her Majesty's regular military forces).]

[Or the said offence was committed wholly (or partly) beyond the limits of the said colony (or presidency or).]

[Or by reason of there being no asylum in the said colony (or presidency, or) in which the said A. B. can be properly or conveniently detained and dealt with as a criminal lunatic, his

removal to the United Kingdom (or to the colony or presidency or) of is expedient.]

[Or the said A. B. belongs to a class of persons who, under the law of the said colony (or presidency, or) are subject to removal under the Colonial Prisoners Removal Act, 1884.]

Now I do hereby, in pursuance of the Colonial Prisoners Removal Act, 1884, with the concurrence of the Government of the said colony (or presidency, or) and the Government of the colony (or presidency, or) of order that the said A. B. be removed to the United Kingdom (or to the colony or presidency, or) of there to be detained in custody as a criminal lunatic and dealt with in the same manner as if he had there become a criminal lunatic.

Given under the hand of the undersigned, one of Her Majesty's Principal Secretaries of State this day of 18 .

I, , the Governor (or Lieutenant-Governor, or officer administering the Government) of the colony (or presidency, or) of , with the advice of the Executive Council of the said colony (or presidency, or).

[And I, , Governor (or Lieutenant-Governor, or officer administering the Government) of the colony (or presidency, or), of , with the advice of Executive Council of the said colony (or presidency, or) hereby concur in the foregoing order of removal.]

As witness my hand (our hands) this day of 18 .

VI.—Order for the Return of a Criminal Lunatic to a British Possession.

Colonial Prisoners Removal Act, 1884.

Whereas A. B. having been in custody in the colony (or presidency, or) of as a criminal lunatic has been removed, under the Colonial Prisoners Removal Act, 1884, to and is now in custody as a criminal lunatic in the United Kingdom [or the colony (or presidency, or) of].

[And whereas I (or the Government of the said colony (or presidency, or) of) consider that the said A. B. has become sufficiently sane to be tried for the offence with which he was charged in the said colony (or presidency, or) of .]

Now I [with the advice of the Executive Council of the said colony (or Presidency, or) or], hereby in pursuance of the said Act, order that the said A. B. be returned to the said colony (or presidency or) of there to be dealt with in the same manner as if he had not been removed therefrom.

Given under the hand of the undersigned, one of Her Majesty's Principal Secretaries of State [or the Governor (or Lieutenant-Governor) or officer administering the Government] of the colony (or Presidency, or of), this day of 18 .

VII.—Warrant for Removal of a Criminal Lunatic.

Colonial Prisoners Removal Act, 1884.

To C. D., the keeper of Lunatic Asylum, and to E. F. and G. H.

Whereas an order has been made, under the Colonial Prisoners Removal Act, 1884, by one of Her Majesty's Principal Secretaries of State, with the concurrence of the Government of the colony (or presidency, or) of and the Government of the colony (or presidency or) of and for the removal of A. B. a criminal lunatic now in the custody of you, the said C. D. to the United Kingdom [or the colony (or presidency or) of], to be there dealt with in the same manner as if he had become a criminal lunatic in the United Kingdom [or the said colony (or presidency, or) of].

Now I do hereby, in pursuance of the said Act, order you the said C. D., to deliver the body of the said A. B. into the custody of the said E. F. and G. H. or one of them; and I do hereby, in further pursuance of the said Act, authorise you, the said E. F. and G. H. or either of you, to receive the said A. B. into your custody, and to convey him to the United Kingdom [or to the colony (or presidency, or) of], and to deliver him to such person or persons as shall be empowered by one of Her Majesty's Principal Secretaries of State (or the Governor of the said colony or presidency, or) to receive him for the purpose of giving effect to the said order of removal.

Given under hand of the undersigned, one of Her Majesty's Principal Secretaries of State (or the Governor of), this day of 18 .

VIII.—Warrant for Return of a Criminal Lunatic to a British Possession.

Colonial Prisoners Removal Act, 1884.

To C. D., the of the Lunatic Asylum and to E. F. and G. H.

Whereas A. B., having been in custody as a Criminal Lunatic in the colony (or presidency, or) of has under an order duly made under the Colonial Prisoners Removal Act, 1884, been removed to the United Kingdom [or to the colony (or presidency, or) of , and is now in the custody of you the said C. D. as a Criminal Lunatic.

And whereas an order has been made under the said Act by one of Her Majesty's Principal Secretaries of State [or by the Government of the said colony (or presidency, or), of] for the return of the said A. B. to the said colony (or presidency, or) of .

Now I do hereby, in pursuance of the said Act, order you the said C. D. to deliver the body of the said A. B. into the custody of the said E. F. and G. H. or one of them; and I do hereby, in further pursuance of the said Act, authorise you the said E. F. and G. H. or either of you, to receive the said A. B. into your custody, and to convey him to the colony (or presidency, or) of and to deliver him to such person or persons as shall be empowered by the Governor of the said colony (or presidency, or) to receive him for the purpose of giving effect to the said order of return.

And for so doing this shall be your warrant.

Given under the hand of the undersigned, one of Her Majesty's Principal Secretaries of State (or Governor of), this day of 18 .

Letter from the Government of India, Home Department (Medical), No. 1041, dated 17th September 1907.

I am directed to refer to the Home Department letter No. 411, dated the 4th May 1905, regarding the procedure for the despatch of criminal lunatics to England, and to forward for the information of the Government of Bombay a copy of a despatch No. 35 (Judicial), dated the 28th June 1907 (and of its enclosures), in which the Secretary of State calls attention to the necessity for the invariable submission, in addition to an "order of removal" of "a warrant for removal" in form No. VII prescribed by the Order in Council, dated the 13th December 1889 (a copy of which was forwarded with the Home Department letter of the 4th May 1905.)

Despatch from the Secretary of State for India No. 35-Judicial, dated 28th June 1907.

With reference to the correspondence with your Excellency's Government ending with your telegram of the 24th April last, I forward, for the information of the Government of India, a copy of Home Office letter No. 147962-6, dated the 28th May 1907, with its enclosure, relative to the removal to this country of James Poole, a criminal lunatic.

2. The Home Office points out that the documents forwarded in connection with the case do not include a Warrant of Removal in the form prescribed by the Order in Council of the 13th December 1889, and therefore fail to satisfy the requirements of section 7 of the Colonial Prisoners Removal Act, 1884.

3. I request that the necessary Warrant may be sent to me at an early date for transmission to the Home Office.

4. A copy of the Order in Council of the 13th December 1889, with its schedule containing the form of Warrant to be used was sent to the Government of India with Lord Cross's Judicial Despatch No. 5, dated the 16th January 1890.

5. The Order of Removal referred to in the 3rd paragraph of the Home Office letter was received with Sir Louis Dane's letter to Mr. Ritchie of the 25th April and was sent to the Home Office on the 16th May.

6. I request that instructions may be given to prevent the occurrence of the irregularities of which the Home Secretary complains in any future case.

Section VI.

Extracts from Army Regulations.

PAY AND ALLOWANCES—REGULATIONS, INDIA, PART I.

108. The pay or staff pay of an appointment is admissible to an officer whilst—

* * * *

(*d*). Sick in quarters or hospital provided he is not relieved of his duties. An officer while a patient in a Mental Hospital in India is considered as on leave on medical certificate.

113. Indian pay of rank and branch is admissible to an officer—

* * * *

(*b*) whilst sick in quarters or hospital. (An officer whilst a patient in a Mental Hospital in India is considered as on leave on medical certificate.)

238. An insane soldier is entitled to his gross pay (but no allowance in lieu of rations) less the cost of his maintenance (*see* Pay and Allowances Regulations, Part II) for the period he may be in a Mental Hospital and up to the date he embarks for England, but *see* paragraph 14, Appendix I.

PAY AND ALLOWANCES—REGULATIONS, INDIA, PART II.

Attendant on Female Insanes proceeding to Bombay en route *to England.*

244. Allowances granted to the attendant on a female insane proceeding from a Mental Hospital to Bombay *en route* to England, Rs. 20.

Hospital Stoppages.

383. In the case of an officer who is a patient in a Civil Mental Hospital in India, the cost of his maintenance will be deducted from his pay and paid to the Superintendent of the Hospital. The balance of the officer's pay will be disposed of under the orders of the Government of India.

384. The following amounts to meet the cost of his maintenance will be stopped from the pay of an insane soldier for the period he may be in a Civil Mental Hospital and up to the date he embarks for England—

Madras	...	Rs. 18 per month.
Rangoon and Yeravda	...	As. 12 per diem.

The authorities of the Mental Hospitals will, however, be credited with the maintenance charges at the following rates, the

difference between these and the above rates being borne by the State :—

Madras	...	...	As. 12 per man per diem.
Rangoon	...	...	Rs. 2 per man per diem.
Yeravda	...	...	Rs. 2-8 per man per diem.

Any person invalided in consequence of any disorder (including insanity), resulting from indulgence in drugs or drink, is ineligible for the invalid pension, but in special cases the whole or part of the gratuity otherwise admissible may be sanctioned by the General Officer Commanding of the District.

REGULATIONS FOR THE ARMY IN INDIA.

Procedure on occurrence of casualty.

276. *Procedure.*—The Regimental Debts Act, 1893, and the Regulations under that Act, lay down the procedure to be followed in the case of death, insanity, desertion, absence without leave, or conviction by a Civil Court for an offence which by the law of England is felony of any person subject to the Army Act.

When a person subject to the Army Act dies at a station in India the Committee of Adjustment will be appointed by the Commanding Officer, and the station commander will detail one or more officers to assist the Committee in securing the effects of the deceased which are on the spot and to carry out any instructions of the Committee.

When a person subject to the Army Act dies out of India during temporary absence from his unit, the Commanding Officer of his unit will appoint a Committee of Adjustment.

Extension of leave.

869. Extension of leave will, whenever possible, be applied for in sufficient time to admit of the individual rejoining at the expiration of his original leave, should the extension be refused. Extensions of leave in India or the colonies require in all cases the sanction of the competent authority in India. Extensions of leave on private affairs in the United Kingdom will be sanctioned by the Secretary of State for India subject to the concurrence of the authorities concerned in India. In the latter case applications, giving reasons for the extension, will be submitted to the Secretary, Military Department, India Office, through the competent authority in India. The nature of the recommendation made by the authorities in India will not be communicated to the individual.

Except that extensions of leave on private affairs in the case of British Service Officers excluding continuous Service R. E. Officers and Officers of the R. E. (Indian Army) will be approved by the competent authority in India and will be communicated by the Officer to the War Office. Continuous Service R. E. Officers and

Officers of the R. E. (Indian Army) will follow the procedure prescribed for the Indian Service. Extensions of leave in the case of British Service Officers holding staff appointments require the sanction of the Secretary of State.

The competent authority in India is the authority who sanctioned the original leave except in cases where individuals who, during their leave, or on its conclusion revert from staff or extra-regimental duty to their substantive appointments when it will be the authority who sanctions the grant of leave to individuals of the unit in which they held substantive appointment.

Officers placed on the sick list whilst on leave in India who are thereby prevented from rejoining for duty within the period of their original leave may be granted any additional leave admissible.

Any overstayal of casual leave involves its conversion into privilege leave or furlough at option.

Extensions of leave granted to British Service Officers with the specific object of obviating their return to India because they have been, or are about to be selected for non-Indian employment will be reported direct to the India Office by the sanctioning authority.

Leave on Medical Certificate.

872. In the case of leave on medical certificate ex-India including combined leave, the precise amount recommended by the medical board to be spent out of India reckons from the date of embarkation. The period between that date and the date of being struck off duty counts as leave in India, which will include any privilege leave due. The date of commencement of leave on medical certificate in the case of officers of the British Service, is governed by the rules in paragraph 902.

Extensions of leave on medical certificate in the United Kingdom will, in the case of British Service (except R. E.) Officers, be sanctioned by the War Office, and in the case of Indian Service and R. E. Officers, British Service Officers holding staff appointments and U. L. Warrant and N. C. Officers by the Secretary of State for India.

When an officer or soldier has been granted leave on medical certificate or has been declared by medical board to be unfit for further service, he will be struck off duty as promptly as possible and the leave granted will take effect from the date of being struck off duty in accordance with paragraph 868. When an individual is allowed to remain on the sick list under paragraph 371, any leave granted in continuation thereof will commence from the date of termination of the period on the sick list, but such period will be taken into consideration in determining the total absence from duty authorised under the Royal Warrant for Pay or Regulations for the Army in India as the case may be.

In the case of an appointment carrying staff pay or charge allowance the relieved individual may be granted any leave admissible to cover the period of his illness.

British Insanes.

186. Instructions regarding the disposal of British insanes are contained in paragraphs 451-459 of Regulation for the Medical Services of the Army in India.

186-A. Cases of attempted suicide :—

1. Where, on the trial of a person charged with attempted suicide, the Court find that the accused did the act but was insane at the time, such person will be kept in custody and the case reported to Army Headquarters in order that the directions of His Majesty may be obtained in conformity with Army Act, section 130(2).

2. In cases not brought to trial attempted suicide will be dealt with as follows :—

(*a*) Cases of attempted suicide due to insanity will be dealt with in accordance with Regulations for the Medical Services of the Army in India, paragraphs 410-460 and the individual discharged under King's Regulations paragraph 370, item (xvi).

(*b*) Where attempted suicide is considered to be due to temporary insanity or uncontrollable impulse, attended by no defined mental or physical diseased condition the individuals concerned will be discharged under item (xviii) of paragraph 370, King's Regulations.

(*c*) In cases where an individual appears merely to have feigned attempted suicide with a view to being invalided or to escape disagreeable duties or punishments, necessary disciplinary action will be taken against him and he will, if considered advisable, be discharged under item (xi) of paragraph 370, King's Regulations.

111. *Officers, insanes.*—When an officer has been declared to be insane a report by telegram will be immediately sent by the district commander concerned to the War Office or India Office as the case may require giving as full information as may be available at the time and also the name and address of the officer's next-of-kin. This telegram must be repeated to the Military Secretary, Army Headquarters. When an insane officer is sent home, a report of the name and probable date of arrival of the ship in which he sails and the address of his next-of-kin will be sent by the district commander to the Government of India in time to allow of arrangements being made before the officer reaches England.

An insane officer will not be granted any definite period of leave but immediately on his being invalided, the statement of his case (I.A.F.M.-1243) together with A.F.B.-183 and I.A.F.M.-1244, will be sent by the district commander to the Under Secretary of State, India Office, accompanied by a special report.

111A. An officer of the Indian services, whether on full pay or half pay, who is pronounced insane by the regulated medical authority, shall be retired from the service from such date as the Secretary of State may determine.

Indian Insanes.

194. If a person subject to the Indian Army Act is suspected of insanity the unit Commander will report the case to the Brigade Commander who will direct the examination of the individual by a board composed, if practicable, of two medical officers, otherwise by the man's company Commander (Officer Commanding in case of a departmental follower) and the officer in medical charge. If pronounced insane, the person concerned will be discharged by the authority prescribed in the Indian Army Act and handed over, with his discharge documents, to the civil power, or, if harmless, to his friends or relations.

Regulations for the Medical Services of the Army in India.

412. *Cases dealt with by Medical Boards.*—The following classes of personnel of the Army in India will be dealt with by medical boards in the circumstances and in accordance with the instructions on the forms and in the regulations noted below :—

(c) British cases of mental disease including women and children—*see* paragraphs, 452-457 *et seq.*

(i) Indian cases of mental disease—*see* paragraph 458.

Responsibility of the medical services towards cases of mental disability.

449. (i) Any person subject to the Army Act showing symptoms of mental disability will at once be admitted to a British military hospital and placed under observation and treatment. If no military hospital exists in the station, he will be transferred to the nearest station in which one is situated.

(ii) The same procedure will be carried out in the case of persons subject to the Indian Army Act, who will be admitted or transferred to an Indian military hospital.

(iii) If any person residing in a Cantonment and entitled to medical attendance under paragraph 271, shows symptoms of mental disability the authorised medical attendant will report the case at once to the Officer Commanding station and invariably state in his report the amount of control which in his professional opinion should be exercised over the said person and whether the said person is likely to be dangerous to himself or others. In the event of the medical attendant reporting that the person concerned should be placed under control, the Officer Commanding station will be responsible that steps are forthwith taken to place the said person under proper and suitable control either in a military or civil hospital. If for any reason the Officer Commanding station considers it undesirable that the said person should be placed in a military or civil hospital or if the relative or friends of the said person object to his or her being so placed, the Officer Commanding station will report the case at once to the civil authorities so that action may be taken under the provisions of the Indian Lunacy Act, 1912.

(iv) If any person in a Cantonment not subject to the Army Act or to the Indian Army Act and not entitled to medical attendance under paragraph 271 shows sumptoms of mental disability, the case will be dealt with by the civil authorities.

Procedure on admission of a case of mental disease to a military hospital.

450 (i). When a person suspected to be suffering from mental disease is admitted to a military hospital for observation a consultation will, if considered necessary, be arranged with the military specialist in mental disease. If a consultation with a military specialist cannot be arranged, a consultation with the superintendent of a civil mental hospital will be arranged if there is one situated in the station or adjacent thereto [*vide* paragraph 266(*a*)].

When applying for the services of a mental specialist the medical case sheet and A. F. B.-183 will be forwarded; the mental specialist will then decide whether it is necessary for him to see the case.

(ii) If a definite diagnosis of mental disease (lunacy) is made or is so diagnosed at any time while under observation, the case will be brought before a medical board and dealt with as laid down in paragraph 452 *et seq*.

(iii) If a definite diagnosis of mental disease has not been made, and if the patient recovers before he has been under observation for a continuous period of thirty days he may either be discharged from hospital as fit to return to duty or to resume his usual occupation, or he may be brought before a medical board for the purpose of being granted sick leave or being invalided.

(iv) If a definite diagnosis of mental disease (lunacy) has not been made and if the patient has not apparently recovered after having been under observation for a continuous period of thirty days, he will, without further delay, be brought before a medical board for examination and report. In all such cases A. F. B.-183 will be attached to the Board proceedings.

The medical board may recommend that the patient—

(*a*) be discharged to duty, or to resume his or her occupation, if the board considers that the patient has recovered,
(*b*) be granted sick leave or invalided ex-India,
(*c*) be referred for further observation and treatment,
(*d*) be disposed of as in paragraph 452 *et seq*.

(v) If a definite diagnosis of mental disease (lunacy) is not clearly established during this second period of observation, the patient will be brought before a second medical board for examination and report as soon as considered advisable by the Officer Commanding hospital but, in any case, not later than thirty days after the date of assembly of the previous board. This second board will decide how the patient should finally be disposed of, that is, that the patient—

(*a*) be discharged to duty, or to resume his or her occupation, if the board considers that the patient has recovered,

(*b*) be granted sick leave and or invalided ex-India,

(*c*) be disposed of as in paragraph 452 *et seq.*

Note.—(i) No patient who has been kept under observation on the recommendation of a medical board in the circumstances described in this paragraph will be discharged from hospital or removed from the sick list except on the recommendation of a second medical board.

(ii) Whenever a medical board is held on a case of mental disability or of suspected mental disability the officer in medical charge of the case will prepare a statement of the case on A. F. B.-183 (modified when necessary), for the information of the Board.

Management of cases of mental disability.

451. (*a*) Cases of suspected mental disability and certified insanity, when practicable, will be accommodated apart from other patients.

(*b*) Officers Commanding hospitals will be responsible that special instructions are issued in writing regarding the management of each case, and they will be responsible for the general bearing and conduct of subordinates and medical attendants towards these cases.

(*c*) The medical officer in charge of a mental case will be responsible that a careful and accurate statement of the appearance, demeanour, conduct and conversation of the patient is recorded daily by the attendants. He will invariably verify these statements and record regularly his own observations on those points immediately after each visit.

(*d*) Mechanical restraint will be restricted to the use of the straight jacket and bed sheet. Orders for attendants on insanes are given on I. A. F. M.-1202 and these should be supplemented, if necessary, in any special cases by the Officer Commanding hospital [*vide* sub-paragraph (*b*) above].

(*e*) When guards are placed on duty over mental cases, they should be fully cognisant of their duties and responsibilities, definite and adequate orders in writing, type or print being delivered to the guard commander on mounting. The Officer Commanding hospital should satisfy himself that all instructions and orders are rigidly carried out.

(*f*) When a case of mental disease (soldier) is transferred or discharged from hospital, he will invariably be removed in the presence of a medical officer who will be responsible that he is dressed with due regard to health and comfort and will instruct the escort as to the peculiarities of the patient, particularly as to whether he has displayed suicidal or homicidal tendencies. Whenever possible in the case of British ranks suffering from mental disease a mental nursing orderly will be detailed as one of the conducting party.

(*g*) Before transferring a case to a mental or other hospital it will be ascertained that accommodation is available. In the case of the mental section of the Indian Military Hospital, Colaba, a reference to this effect will be made to the Deputy Director, Medical Services, Southern Command.

Certificate and Disposal.

453. (i) After the individual has been kept under observation in the manner prescribed in paragraph 450 (*i*) and a definite diagnosis of mental disability has been made, the officer commanding the military hospital will arrange for the patient to be again examined by two medical officers separately and at different times. If each medical officer is satisfied as to the patient's insanity, he will complete and sign a lunacy certificate on India Army Form M-1244. The officer commanding the hospital will then arrange for the patient to be brought forthwith before a medical board, before whom the lunacy certificates and Army Forms B-179 (modified for India) and B-183 will be laid. Neither of the medical officers who signed the lunacy certificate shall ordinarily be a member of the Board. If the Board is satisfied as to the patient's insanity, he shall then be formally declared to be a lunatic for the purpose of the Indian Lunacy Act, 1912 and these regulations.

(ii) The completed medical board proceedings and lunacy certificates will be forwarded to the Deputy Director, Medical Services or Assistant Director, Medical Services, concerned who will decide whether the patient should be sent to a mental hospital or be detained at his station pending embarkation for the United Kingdom. If transfer to a mental hospital is considered necessary, mild cases will be sent to the British Military Hospital, Colaba, and those requiring close and strict supervision to a civil mental hospital, *e.g.*, Yeravda (Poona).

(iii) Should the Deputy Director, Medical Services or Assistant Director, Medical Services concerned decide that the patient is to be sent to a civil mental hospital, he will make a reception order on I. A. F. M. 1246 under the authority of section 12, Indian Lunacy Act, 1912—the reception order will be made out not later than seven clear days after the earlier of the two examinations on which the lunacy certificates are based.

The Assistant Director, Medical Services should send as early as possible a certified copy of the reception order to the person in charge of the mental hospital into which the lunatic is to be admitted.

Ordinarily the reception order will be made out for the admission of the lunatic to the mental hospital at Yeravda, Poona, but in urgent cases an order may be made for admission to the mental hospital at Lahore, Ranchi, Madras or Rangoon. This does not apply to the case of a mental patient transferred to the British Military Hospital, Colaba.

(iv) Officers and other ranks domiciled in the United Kingdom who are invalided for mental disease will be sent to the United Kingdom as soon as possible. Those admitted to asylums or mental hospitals in India under the provisions of section 12, Indian Lunacy Act, will, as soon as a passage is arranged, be handed over to the military authorities under the provision of section 32 (2),

Indian Lunacy Act of 1912, on the application of the Deputy Director, Medical Services or Assistant Director, Medical Services, who originally signed the reception order. Those domiciled in countries other than the United Kingdom will be sent to their country of domicile as soon as arrangements can be made.

(v) In the case of officers and other ranks domiciled in India, the officer commanding station will apply to the magistrate for a reception order under section 5 of the Indian Lunacy Act of 1912. The application will be made on I. A. F. M.-1245 (Form 1, Schedule 1, Indian Lunacy Act of 1912) supported by two lunacy certificates on I. A. F. M. 1244A (Form 3, Schedule 1, Indian Lunacy Act of 1912).

If the magistrate makes a reception order, steps will be taken to obtain the retirement of discharge of the lunatic, under the provisions of the Royal Warrant and the King's Regulations.

When a reception order has been made by a magistrate for the reception of an individual into a mental hospital the individual may either be handed over with the reception order to the civil authorities for disposal or sent under military arrangements to the asylum or mental hospital to which he is to be admitted.

(vi) When an officer is being invalided on account of mental disease, additional copies of the invaliding documents will be prepared and forwarded to the district commander, *see* paragraph 111 of Regulations for the Army in India.

Relatives to accompany mental case invalided ex-India.

457. In the case of women and children suffering from mental disease it is most desirable that the husband of a woman or in the case of a child, one of the parents should accompany the patient to the United Kingdom in order to arrange for the patient's disposal on arrival.

PASSAGE REGULATIONS, INDIA, 1932.

Accommodation for Prisoners and Insanes.

75. Insanes and military prisoners with their escorts are to be accommodated in reserved compartment, 1st class in the case of those entitled to 1st class accommodation, and 2nd class in the case of others.

Conveyance of Insanes.

191. I. An individual of the undermentioned classes is entitled to conveyance to Great Britain or to and from an asylum in India on being declared insane :—

(*a*) a King's commissioned officer other than an officer entitled to leave passage concessions under the rules in Appendix A and Part II of Appendix AA,

(*b*) a departmental commissioned or warrant officer,

(*c*) a Lady Nurse, M. N. S.,

(*d*) an army schoolmistress,

(*e*) a British soldier,

(*f*) a member of British soldier's family.

II. The grant of packet passage to an insane officer is only admissible when detention to admit of his despatch by public vessels is declared by the medical authorities to be undesirable.

III. In the case of other ranks and member of British soldiers' families or of suspected or recovered insanes passage is ordinarily to be allotted in public vessels having special accommodation for insanes.

IV. Insane army schoolmistress and insane widows, wives and children of British soldiers will not be despatched without the sanction of the Government of India unless they have relatives or friends who are willing to take charge of them on arrival.

V. If it is proposed to send an insane individual by packet, due notice of such intention, accompanied by particulars of the form of insanity, must be furnished to the embarkation authorities for communication to the P. N. T. Officer or to his representative for the information of the shipping company, and an attendant to accompany the individual must be provided. Suitable accommodation will be provided. Alterations to the existing accommodation and fittings, as advised by the embarkation authorities, will be carried out by the shipping company, at Government expense.

VI. For conveyance of attendants *see* paragraph 336.

VII. * * * * * *

VIII. The rules for the care of insanes and for their despatch and disposal on arrival in Great Britain are contained in the King's Regulations and Regulations for the Army in India.

Attendants accompanying insanes.

336. When an insane individual is entitled to conveyance under paragraph 191, conveyance in addition to the attendant referred to in clause (ii) below accompanying the individual to the port of embarkation or asylum when a medical board declares such attendants or escort to be necessary. Return conveyance for attendant or escort is also admissible.

(i) The number of special attendant or escorts may be increased or decreased as necessary by the Officer Commanding hospital concerned should the condition of the patient materially alter during the period intervening between the date of the assembly of the medical board and the despatch of the patient to a port of embarkation or asylum.

(ii) When an individual is invalided out of India on account of insanity and a medical board declares an attendant to be necessary, the latter may be granted conveyance and also for the return journey if required. If the insane individual is despatched by packet vessel the attendant will ordinarily be provided with the class of accommodation to which he is normally entitled but when the medical board certifies that the patient can only be effectively controlled by a particular individual and that he or she should travel in the same cabin as the patient, passage of the appropriate class may be given.

Return passage from Great Britain where necessary for attendant will be provided by public vessel, *see* also paragraph 20 (1).

Section VII.

Instructions for the guidance of Judicial and Executive Officers in dealing with Criminal Lunatics.

1. Before releasing a criminal lunatic under Criminal Procedure Code, 466 (*1*), a Court or Magistrate should, if the accused has exhibited a tendency to violence or if the crime charged is of a serious nature, question the Civil Surgeon or other officer examined under Criminal Procedure Code, 464 (*1*), about the safety of the proposed procedure. Such medical opinion should also be taken before a Court or Magistrate orders an accused person acquitted on the ground of insanity to be detained in any place other than a lunatic asylum.

2. A person detained under the provision of Criminal Procedure Code, 471, should not ordinarily be committed to jail except as a temporary measure. In order to accelerate the process of transferring a criminal lunatic from a jail to a more proper place of custody it is desirable that the Court passing an order under section 471, Criminal Procedure Code, should direct that the criminal lunatic in question shall be kept in safe custody in a particular jail, and shall then be transferred, after the necessary arrangements have been made, to a particular asylum or to such other asylum as may have accommodation for him. If the Court is of opinion, having regard to the nature of the offence and to the history of the accused and after taking medical evidence, and considering any certificate that may have been forwarded by the visitors when the accused has been previously confined under Criminal Procedure Code, section 466, that the accused may with safety be handed over to the custody of relatives or friends at their request, it should commit the accused to prison or other place of safe custody and at once forward direct to the Secretary to Government, Home Department, its recommendations with the copies of the medical evidence and such information as may be available as to the history of the accused to enable Government to take action under Criminal Procedure Code, 475. In other cases steps should be taken to discover by telegram as in the next rule in what asylum accommodation is available before final orders are passed so that the detention in jail may be as short as possible. It should be noted that a certificate under Criminal Procedure Code, 473, that an accused is capable of making his defence does not necessarily imply that his mental condition is such as to make it safe to release him.

3. When a Court or Magistrate is of opinion that an accused person should be confined in an asylum under the provisions of Criminal Procedure Code, 466 (*2*), such Court or Magistrate should ascertain by telegram from the Superintendent of the nearest lunatic asylum that accommodation is available there for the lunatic. In the event of there being no accommodation available in the nearest asylum he should communicate by telegram direct with the Surgeon General with the Government of Bombay and discover in what other asylum the lunatic can be confined. The Court or Magistrate should then pass an order for detention in the asylum, and report the action taken to Government.

4. When a criminal lunatic is sent to an asylum under the orders of a Court under section 466 or 471 of the Criminal Procedure Code read with section *24* of the Lunacy Act of 1912, the Court shall forward along with the lunatic to the Superintendent of the asylum—

(1) A copy of the judgment, or where there is no judgment, of the order of the Court. Also, in any case tried by jury in a Sessions Court, or in the Court of the Judicial Commissioner of Sind, a copy either of the heads of the charge to the jury or of the Committing Magistrate's order, or of both, as may be considered by the presiding Judge to be most useful.

(2) The revised form of medical history sheet (Appendix III).

(3) If the case has been investigated or sent up by the police, the more important of the police papers (or copies thereof) bearing on the mental condition and history of the lunatic.

(4) A certificate of fitness for travelling (Appendix II).

5. The visitors of Lunatic Asylums, when certifying under section 473 that a person detained as a criminal lunatic is in their opinion capable of making his defence, should certify at the same time whether in their judgment he may be discharged from the asylum without danger of his doing injury to himself or to any other person and a certified copy of this certificate should be forwarded by the Superintendent of the Asylum to the trying Court, accompanied by the medical history sheet. If the accused is acquitted or discharged on grounds other than that of lunacy, the Court will have no option but to release him, subject to any arrangements which it may think fit to make, if necessary, with the police for his re-arrest under the Lunacy Act. If the accused is acquitted on the ground of lunacy, the Court has discretion under section 471 of the Criminal Procedure Code to order him to be kept in safe custody in a jail, asylum or any other place which it thinks fit. But on being supplied with a certificate under section 474, Criminal Procedure Code, that the accused can safely be discharged, the Court will be in a position, if it so desires, to facilitate an early decision by Government as to the release of a person acquitted on the ground of lunacy, by forwarding the copy of the certificate to Government with an intimation of his acquittal under section 471 of the Code and of the place in which he is being kept in custody together with any remarks which the Court may desire to add. In the meanwhile it will be open to the Court to make *interim* arrangements for the custody of such person. The decision of Government will be communicated to the Court, and also, if Government order the discharge of the recovered lunatic, to the officer in whose custody he is. In this way it will be possible for the unnecessary return of recovered criminal lunatics to distant asylums to be avoided, and the discharge of those who can safely be discharged will be accelerated.

6. When a convict is suspected of labouring under any form of mental aberration and is placed under observation, the Superintendent of the Jail in which the convict is confined should at once ascertain by telegram from the Surgeon General with the Government

of Bombay in what asylum the prisoner, if found to be a lunatic, can be confined. As soon as the decision to send the convict away to an asylum has been formed, his case should be immediately reported direct by the Superintendent to the Secretary to Government, Home Department. The application should state either that there is room for the lunatic in a certain asylum, or that the information on this point has been sought and will be sent as soon as possible by telegram. (Government Resolution, Judicial Department, No. 3070, dated the 4th June 1903.)

7. The Superintendent, in submitting a case under the preceding rule for the orders of Government under section 30 (*1*) of the Prisoners Act, 1900, shall forward with it—

(1) The nominal roll of the prisoner.

(2) A copy of the warrant under which he is confined.

(3) The medical officer's certificate in the form prescribed (Appendix I).

(4) The revised form of medical history sheet (Appendix III).

(5) A copy of the judgment should also be supplied by the Superintendent of Jail.

Note.—In submitting such cases the following information should be noted in the last column of the roll :—

(*a*) Date of admission in jail or prison.

(*b*) Date on which the convict first showed signs of insanity.

(*c*) Date on which he was placed under medical observation.

(*d*) Date on which he was declared a lunatic by the Medical Officer.

8. The discharge of persons detained under section 471 of the Criminal Procedure Code is a matter for the discretion of Government, who will be guided in each instance by the nature of the offence, the history of the detained person so far as known and the opinion of their medical advisers. Ordinarily in murder cases Government will not accept a recommendation for release, until a period of sanity of some years duration has elapsed.

9. When in the opinion of the Superintendent of a Mental Hospital, the recovery of a criminal insane detained under section 466, Criminal Procedure Code, is being retarded by his knowledge of an impending prosecution, the Superintendent should submit a recommendation to Government in favour of the withdrawal of the charge pending against the insane. Reasons should be furnished by the Superintendent in support of his recommendation, which should be accompanied by a medical history sheet in the form prescribed in Appendix IV attached to Government Resolution, Home Department, No. 6417, dated the 15th November 1924, and by a copy of the order of the Court concerned. Such recommendations should not however be made until at least six months have elapsed since the reception of the insane.

10. In the case of criminal insanes to whom section 562 of the Criminal Procedure Code would ordinarily have been applicable,

the Superintendent of the Mental Hospital should apply to Government for the withdrawal of the prosecution after one year from the date of the order of detention under section 466 of the Criminal Procedure Code.

In passing an order under section 466, Criminal Procedure Code, the trying court should state whether the accused insane would ordinarily be within the class of persons in whose favour the court has a discretion to pass an order under section 562, Criminal Procedure Code.

11. In other cases, the proposal for withdrawal of charges should be made on the completion of one year after the expiry of the maximum period of imprisonment prescribed by law for the offence charged, or after a period of seven years, whichever is less, provided that, if the Superintendent of the Hospital is of opinion after the lapse of a reasonable time that there is no possibility of recovery, the proposal may be made earlier, but in no case sooner than six months from the date of reception. A court in making an order of detention under section 466, Criminal Procedure Code should inform the Superintendent of the Mental Hospital in which the insane is to be detained of the maximum period of imprisonment prescribed by law for the crime with which the insane has been charged.

12. The recommendations for withdrawal of prosecution should be submitted to Government by the Superintendents of Hospitals on individual cases as they arise in accordance with the principles mentioned above. The Superintendents should also state while submitting the six-monthly reports on criminal insanes whether the recovery of any of them is being retarded in consequence of the knowledge of an impending prosecution.

13. In the case of criminal insanes dealt with in paragraphs 10 and 11, the following particulars should be given :—

(*i*) Date of order of detention.

(*ii*) Date of reception in hospital.

(*iii*) Description of the offence.

(*iv*) A copy of the order passed by the Court.

(*v*) Maximum punishment prescribed for the offence.

(*vi*) Medical history Sheet.

(*vii*) Remarks of the Superintendent as to whether the insane is harmless or not, and whether he could be transferred to the civil side of the hospital.

(*viii*) Nationality and place of birth.

14. The transfer of criminal insanes belonging to other provinces or nationalities, who are declared incapable of making their defence, to a Mental Hospital in the Province or country to which they belong, should be considered as soon as the periods mentioned above in regard to the withdrawal of charges against criminal insanes generally have expired, provided that the period after which, proposals for their transfer may be made should not exceed three years.

15. On receipt of these special reports from the Superintendent of the Hospital, if Government are satisfied that it is desirable to withdraw the prosecution, the District Magistrate concerned will be requested either to direct the Public Prosecutor to withdraw the charge, or to move the trying court to stop proceedings under section 249, Criminal Procedure Code, in cases to which that section applies. The District Magistrate should then inform the Superintendent of the Mental Hospital accordingly, who will acknowledge the receipt of the communication, and if the person against whom the charge is thus withdrawn is still insane, furnish a medical certificate to that effect to the local police authorities and request them with reference to section 13 of the Indian Lunacy Act (IV of 1912) to obtain a reception order under section 14 of the said Act. The insane should then be transferred to the civil side.

16. The cases of criminal insanes sentenced to transportation for life and confined in Mental Hospitals under section 30 (*1*) of the Prisoners Act, 1900, should, if they have not recovered during the period of their sentence, be reported to Government on the expiry of a total period of detention in jail and Mental Hospital of seven years.

17. Criminal insanes detained under section 471, Criminal Procedure Code, should, unless they have been earlier discharged, be transferred to the civil side on the expiry of the maximum terms of imprisonment prescribed by law for the offence which they have committed, and those who have committed, offences punishable with death or transportation for life should be transferred (unless earlier discharged) to the civil side on completion of a total period of detention in jail and Mental Hospital of seven years.

APPENDIX I.

Form of certificate of insanity of a prisoner to be submitted to Government for action to be taken under section 30 (*1*) of the Prisoners Act, 1900.

I, the undersigned,*

hereby certify that I, on the day of

at personally examined †

and the said

is ‡

and a proper person to be taken charge of, and detained under care and treatment, and that I have formed this opinion on the following grounds, namely :—

1. Facts indicating insanity observed by myself.§

* Here enter name and official designation.

† Here enter name and particulars of lunatic.

‡ Here state whether the person is a lunatic or an idiot or a person of unsound mind.

§ Here state the facts.

2. Other facts (if any) indicating insanity communicated to me by others.*

(Signed)

APPENDIX II.

CERTIFICATE OF FITNESS FOR TRANSFER AND CONDITION OF HEALTH IN THE CASE OF LUNATICS SENT TO ASYLUMS.

Station

Date

Certified that $\frac{\text{criminal lunatic}}{\text{the lunatic}}$ (name) is in sufficiently good health, and in a fit state, to travel from (name of the station) to the Mental Hospital at

(Signed)

Medical Officer,
Medical Practitioner,

N.B.—The certificate may be signed by any registered medical practitioner or medical officer.

APPENDIX III.

REVISED FORM OF MEDICAL HISTORY SHEET OF LUNATICS.

N.B.—The ultimate responsibility for the preparation of this form rests with the Committing Officer, who must see that the requisite information is supplied by the Police and the Medical Officer without undue delay.

Questions to be answered upon information supplied by the Police alone.

1. Name of patient in full and caste or race.
2. Name of patient's father.
3. Married or single or widowed.
4. Condition of life and previous occupation (if any).
5. Religion.
6. Place of birth and recent place of abode.†

* Here state the information, and from whom.

† Here the name of the lane or street, village, police station and district and length of residence should be stated. As much detail as possible should be given.

7. Whether homeless or living with relatives.*
8. Whether any member of patient's family has been or is affected with insanity.
9. Whether the attack is the first attack of insanity or not.
10. Age (if known) at onset of first attack.
11. Previous history and habits † and facts indicating insanity.
12. Duration and nature of any previous attacks.
13. Supposed cause of insanity.‡
14. Duration of existing attack.

Signature.

Questions to be answered by the Medical Officer alone.

1. Sex and age of patient.
2. Marks whereby the patient may be identified.
3. State of bodily health.§
4. Symptoms exhibited.
5. Supposed exciting cause of present attack.
6. Whether subject to epilepsy or any other disease.
7. Whether suicidal.
8. Whether dangerous to others.

Signature.

APPENDIX IV.

Whenever the papers of a criminal lunatic are sent up to Government or to a Court for orders they should be accompanied by a medical history sheet containing the following particulars :—

1. Name and sex.
2. Crime.

* This heading should show the names and addresses of the relatives or persons legally bound to maintain the lunatic (if any), and whether they are able and willing to take charge of him or to bear the cost of his maintenance in the asylum and, if not, why not.

† In this the mode of life the patient led, his conduct, reasons for suspecting insanity, history of any particular illness which may have helped to produce this condition of mind, his temperament or any habit of taking or smoking any drug should be mentioned ; in the case of criminal lunatics, also the nature of the crime, the detailed circumstances under which it was committed, how he came to be arrested by the Police and the section under which the lunatic was charged and the result of trial in addition to other particulars which may be available.

‡ Whether he is addicted to any spirits or drugs, and if so, for how long he has been so addicted and what is the quantity habitually taken ; whether he is a member of any, particular religious or political society ; or whether he suffered from loss of property loss of relatives, domestic troubles, or ill-health immediately before the attack.

§ In this, the general health of the patient as well as any abnormality of feature or development should be entered. It is desirable that special mention be made as to whether the patient is or is not suffering from any tubercular disease.

3. Present age.
4. Physical state.
5. Probable cause of insanity.
6. Type of insanity.
7. Duration of insanity and has it been continuous, giving dates.
8. Has he, while insane, been considered especially dangerous to others? If so, give dates.
9. If reported sane, how long since last manifestation of insanity?
10. What has been his demeanour and conduct while noted as sane?
11. Is he subject to relapses? If so, give dates.
12. Is he capable (*a*) of taking care of himself, (*b*) of earning a livelihood?
13. How has he been employed while in the asylum?
14. If security is obtainable, its nature and the social position and character of the sureties to be stated.

(G. Rs., H. D., No. 6417, dated 15th November 1924, No. 6417, dated 5th February 1925 and No. 9459-I, dated 8th December 1926.)

Section VIII.

Non-statutory Rules for Mental Hospitals.

1. *The Superintendent.*—The Superintendent of a Central Mental Hospital shall be a Medical Officer appointed by Government. The Superintendencies of the District Mental Hospitals shall be held as additional charges by the Civil Surgeons of the District, or as otherwise arranged.

2. The Superintendent shall have the charge and management of the Hospital subject to the control of the Surgeon General.

3. The Superintendent of a Central Mental Hospital shall abstain from engaging in general practice, except when called upon to visit persons afflicted with nervous or mental diseases. He shall occupy the residence provided for him.

4. The Superintendent shall visit the Hospital daily, and as often as circumstances may render necessary day or night.

5. He shall be responsible for the proper record of cases in the case books. In every case of serious injury to an inmate of the Hospital he shall submit to the Surgeon General as soon as possible a report of the occurrence, giving a record of such evidence as may be available, and the steps taken to deal with the persons (if any) at fault. In the case of any unnatural or unexpected sudden death, a similar report, and the result of *post mortem* examination, if made, shall be sent to the Surgeon General. and to the police authorities.

6. He shall enter such orders as he may deem necessary in an Order Book which shall be circulated to the hospital staff. This Order Book will fill in the details of management suited to local circumstances.

7. He shall have power, subject to the rules in force, to appoint or dismiss any member of the establishment, except the Deputy Superintendent, Subordinate Medical Service Officers, Stewards, Clerks or Compounders. In the case of other members of the establishment he shall have power to suspend, reporting the circumstances immediately to the Surgeon General.

8. He shall see that all property belonging to the Hospital is in good order, and that the books and records mentioned in the appendices to these rules are accurately kept up. He shall furnish punctually such reports and returns as may be prescribed.

9. The Superintendent shall sign all the Establishment pay abstracts and contingent bills of the Hospital.

10. The Superintendent shall satisfy himself that all articles supplied by the Contractor are of proper quality. He shall have the

power of rejecting supplies and fining contractors for default, and from his decision in case of fine an appeal will lie only to the Surgeon General with the Government of Bombay.

11. *The Deputy Superintendent.*—The Deputy Superintendent of a Central Mental Hospital shall be a Military Assistant Surgeon and at other Mental Hospitals shall be a Medical Officer, specially selected in each case by the Surgeon General. He shall occupy the residence provided for him and give his whole time to the duties of his appointment. He shall assist the Superintendent in the management of the Hospital and the care of the inmates, and shall, in subordination to the Superintendent have immediate control over the whole establishment.

12. He shall maintain a special "Report Book" in which he shall report to the Superintendent any unusual occurrence or misconduct on the part of the staff, or any case of injury or violence among the patients.

13. He shall make a round of the Hospital every morning soon after initialling the Night Reports. He shall see especially patients who have been reported as excited or sleepless, the sick in the infirmary, the new admissions, and patients under observation.

14. He shall visit the Hospital at night between 10 p.m. and 4 a.m. at least once a week, and shall record the results of his visit in the Night Report Book.

15. (1) The Deputy Superintendent and the Subordinate Medical Service Officers shall be on duty in turn as Medical Officer of the day, the roster being arranged by the Superintendent. The name of the Medical Officer on duty shall be placed in a prominent position in the office verandah.

(2) The Medical Officer of the day shall be sent for if medical assistance is required in the wards, and on the arrival of new admissions. He shall make a round of the Hospital between 4 and 6 p.m. and record the results of his visit in the Night Report Book.

(3) The Deputy Superintendent shall be present at the admission of European patients to the Hospital, unless as otherwise arranged by the Superintendent.

16. He shall be responsible for the maintenance of such records as the Superintendent may direct in writing, and in this he will be entitled to the assistance of the clerk. His attention is directed to Rule 29.

17. In Mental Hospitals where no Deputy Superintendents are appointed, a Bombay Medical Service Officer or a Subordinate Medical Service Officer, specially appointed, shall perform these duties.

17-A. *Senior Medical Graduate (Central Mental Hospital, Yeravda)*—

(1) In-charge of European Section, European Infirmary, Scabies Ward and T. B. Ward and Special Wards.

(2) Supervision of Occupational Therapy and Hydrotherapy.

(3) Writing of Clinical Notes of patients.

(4) To take a tour of orderly duty.

(5) In charge of Medical Stores, Dispensary, Laboratory and poison cupboard.

(6) Keeping of account of expended drugs and making fresh indents of medicines when necessary.

(7) Preparation of breakage and loss statements.

(8) To inspect the rations when on duty.

(9) Recording of the monthly weighments of the patients in charge of his section.

17-B. *Junior Medical Graduate (Central Mental Hospital, Yeravda)*—

(1) In charge of Indian Section, Indian Infirmary, Indian patients in Acute Section, Scabies Ward and T. B. Wards.

(2) Anti-syphilitic Treatment.

(3) Supervision of Occupation Therapy and Hydrotherapy on the Indian side.

(4) Writing of Clinical Notes of patients.

(5) Preparation of quarterly returns.

(6) To take a tour of orderly duty.

(7) To inspect the rations on duty days.

(8) Recording of the Monthly Weighments of the patients in charge of his section.

17-C. *Woman Assistant Surgeon (Central Mental Hospital, Yeravda)*—

(1) In charge of the Gynæcological work and Female Parsee Wards.

(2) Anti-syphilitic treatment injections.

(3) Carrying out the hydrotherapy treatment.

(4) Looking to Occupation Therapy.

(5) When on duty for 24 hours to attend to the admission of new patients.

(6) To look to the general treatment of patients.

(7) Writing of Clinical Notes of patients.

(8) To inspect the rations on orderly duty days.

18. *Subordinate Medical Service Officers.*—One or more Subordinate Medical Service Officers shall be appointed to each Mental Hospital. When there are more than one Subordinate Medical Service Officers, the duties of each shall be laid down by the Superintendent.

19. Subordinate Medical Service Officers shall live in the quarters provided for them and give their whole time to the duties of their office. Each shall be responsible under the supervision of the Superintendent and Deputy Superintendent, for the proper performance of the duties assigned to him. He shall visit between the hours of 7 and 8 a.m. his section of the Hospital and treat all slight cases of injury or sickness; serious cases shall be sent to the infirmary ward.

20. The Senior Subordinate Medical Service Officer shall keep in his possession the key of the poison cupboard.

21. Each Subordinate Medical Service Officer shall, in his section, be in charge of the monthly weighments of the patients and shall record them in a book kept for the purpose. He shall be assisted in this duty by the staff of the section.

22. Each Subordinate Medical Service Officer shall take his turn as Medical Officer of the day (*vide* Rule 15), and shall make a round of the Hospital once a week between 11 p.m. and 5 a.m., and shall record the results of his visit in the Night Report Book.

23. *The Steward* (if any) shall be appointed by the Surgeon General with the Government of Bombay. He shall deposit the security prescribed and execute a bond in the prescribed form.

24. He shall be responsible to the Superintendent for the correctness and proper quality of the contractor's supply, and shall report at once to the Superintendent any defects he has noticed and the action he has taken to have them remedied. He shall also have charge of all bedding, clothing, and furniture not actually in use in the sections, and be responsible that the stock is kept in good condition.

25. He shall arrange for the timely supply of food by the contractors, and of articles required for manufacture, garden, etc.

26. He shall see the provisions weighed, and delivered to the cooks, and supervise the kitchens generally.

27. He shall daily submit a tabular statement of the number of diets, specifying the number of patients on each of the various diets.

28. He shall receive and disburse all money due to or from the Hospital, and shall keep all accounts thereof. He shall be responsible for all sums of money that pass through his hands, entering current transactions in his books and at the time they occur.

29. He shall prepare bills for, and receive all sums due on account of, maintenance of inmates, and transmit the amounts to the bank or treasury. He shall draw the pay of the establishment, and issue it in the presence of the Deputy Superintendent.

30. He shall at once apply to the Superintendent for orders as to the disposal of property in his charge of any inmate deceased, or about to be discharged.

31. He shall give his attention to the gardens, and effect sales of garden (and other) produce to the best advantage, and shall keep and submit the accounts of the same.

32. He shall make out the diet register from the diet sheets sent from the sections (*vide* Rules 43 and 66), and audit the contractor's bills, and shall keep the books and records shown in Appendix II.

32-A. *Steward (Central Mental Hospital, Yeravda)*—

(1) Responsibility of money and private property of the patients and also of the correctness and proper quality of the contractor's supply.

(2) Maintaining Cash Book and all other account books.

(3) Preparing monthly statement of receipts.

(4) Ration Stand duty by turn.

(5) To attend to all bank and treasury transactions.

(6) General Supervision over all work in the Steward's branch.

(7) Correspondence in general.

(8) Receiving and disbursing all money due to of from the hospital and keeping all accounts thereof.

32-B. *Accountant (Central Mental Hospital, Yeravda)*—

(1) Maintaining Paying Patients' Register.

(2) Maintaining Rough Register showing dates of admissions, discharges and deaths and receipt of Maintenance Orders etc.

(3) Preparing monthly bills of paying patients and quarterly bills on Municipal and other bodies.

(4) All correspondence in connection with maintenance orders including typing.

(5) Assisting Steward in disbursement of pay of the staff.

33. *The Matron and Nurses.*—The Matron shall be appointed by the Superintendent with the approval of the Surgeon General. She shall be immediately responsible for the conduct, discipline and control of nurses and attendants in the female section, the cleanliness of this section, and the care and custody of its inmates. She shall also be responsible for all stock in her charge.

The Nurses shall be similarly appointed and shall assist the Matron, and work under her orders.

34. The Matron and Nurses shall reside in the quarters provided for them. They shall carry out all orders of the Superintendent, and under his instructions, of the medical staff.

35. The Matron shall be responsible that the patients in the female section are kept clean and suitably clothed, that the rooms are cleaned regularly, and all bedding is properly aired. She shall be responsible that the proper quantity of food is issued to every patient, and that it is served hot, and, in case any one refuses to take her food, shall report the circumstance to the Medical Officer of the day, and in her report book to the Superintendent. Meat should come from the kitchen in small pieces without bone, unless otherwise ordered by the Superintendent.

36. She shall bring to the notice of the Superintendent at his morning visit every patient who may appear sick, excited or in any unusual condition, and shall invariably report to him every other circumstance to which his attention should be directed.

37. She shall be responsible that no male attendant or visitor enters the female section without the permission of the Superintendent or Deputy Superintendent.

38. She shall at once report to the Superintendent or Deputy Superintendent every case of harshness, neglect or other misconduct. Nurses in like cases shall report to the Matron, who shall keep a special report book for the information of the Superintendent. The Matron shall maintain the duty roster of the female attendants.

39. The Matron (or in her absence the senior nurse on duty) shall always accompany any of the Medical Staff entering the female section, and carry out any instruction given.

40. She shall report all filthy, noisy, destructive and epileptic cases, and those intolerant of clothing, in her report book.

41. In the evening at the locking up time, the Matron (if on duty) or the Senior nurse on duty, shall, with the assistance of a nurse and the attendants on day duty, muster all the inmates, examine all their clothing, and search their rooms to see that they are not in possession of any dangerous articles. She shall count the inmates, make them comfortable for the night, see that the doors of the rooms in which they are confined are locked, and hand the keys over to the night nurse and attendants, who shall satisfy themselves that all inmates are securely confined. The muster roll shall be sent in to the office nightly.

In the morning the Matron, or the Senior nurse on duty, and the day staff of attendants shall, accompanied by the nurse on night duty and the night attendants, unlock the doors of the various rooms, and check the number of inmates.

42. The Matron shall produce her stock book each quarter for the Superintendent to examine and sign, showing, in separate columns, the balance carried over from the previous quarter, the articles worn out or destroyed, and those required to complete the stock. She shall maintain the books shown in Appendix III.

43. She shall prepare the daily diet requisitions from the Diet Sheets. This shall be submitted to the Steward, who shall compile

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from this his daily diet abstract on the contractor, and include it in his Daily Diet Register, which shall be initialled by the Superintendent.

44. The Matron, if on duty, or the Senior nurse on duty, shall immediately report to the Medical Officer of the day any case of sudden illness, accident or injury to a patient, attendant or other.

45. The night nurse on duty shall each morning fill in a Night Report in which she shall enter the name of any patient, who was ill, restless, sleepless, violent, epileptic or suicidal, during the night. This report after being initialled by the Matron shall be submitted to the Superintendent before 8 a.m. daily.

46. The Matron and nurses shall induce patients as far as possible to apply themselves to some regular occupation, *e.g.*, sewing, knitting, gardening, etc. All scissors, needles, etc., should be collected and locked up at the end of the day, or when not in use.

47. The Matron or one of the nurses shall (unless otherwise instructed) always be present at any interviews permitted between a female inmate and her friends or relatives, and at least two shall be present at meals. The Matron and nurses when on night duty shall make a round of the female section between 10 p.m. and 4 a.m.

48. The roster of duty shall be arranged by the Superintendent.

49. The Matron, if on duty (or the Senior nurse on duty), shall see that no food or money is given without permission by friends to inmates in her charge, or to the attendant staff or servants. They shall not permit any direct interchange of letters or messages between inmates and friends without the Superintendent's sanction.

50. *Supervisors and Overseers* shall be appointed by the Superintendent, with the approval of the Surgeon General. The Supervisor shall be immediately responsible for the conduct, discipline and control of the Overseers and Attendants in the male section. He shall maintain the books shown in Appendix IV.

51. They shall reside in the houses provided for them. They shall carry out all orders of the Superintendent, and under his instructions, of the medical staff.

52. The Supervisor shall at once report to the Superintendent or Deputy Superintendent, in his report book, every case of harshness, neglect or other misconduct, and shall maintain the duty roster of the attendants. The overseers shall in like manner report to the Supervisor, who shall keep a Special Report Book for the information of the Superintendent.

53. He shall report all filthy, noisy, destructive and epileptic cases, and those intolerant of clothing, each morning, in the Night Report Book. Overseers in charge of sections shall send in similar reports to the Supervisor, so that he can incorporate these reports with his own. This report book shall be submitted to the office before 8 a.m.

54. The Senior Overseers shall be responsible for the care and custody of the inmates of the section in their charge, the cleanliness of their section, and for all stock in their charge.

55. Other Overseers shall assist the seniors in their sections.

56. The Overseer in charge of a section shall be responsible that the patient shall be kept clean and suitably clothed, that the rooms are cleaned regulary, and the bedding properly aired. He shall see that the proper amount of food is issued to each patient, and that it is served hot. If any one refuses to take food, he shall immediately report the circumstance to the Medical Officer of the section. Meat should come from the kitchen in small pieces, without bones, unless otherwise specially ordered by the Superintendent.

57. He shall bring to the notice of the Superintendent at his morning visit every patient who may appear sick, excited, or in any unusual condition and he shall report to him every other circumstance to which the Superintendent's attention should be directed.

58. One of the Overseers shall invariably be present at any interview between English speaking inmates and their friends or relations, and at any interview as ordered by the Superintendent, and at least two shall be present in the dining room at each meal.

59. The Senior Overseer on duty in a section shall immediately report to the Medical Officer of the day any case of sudden illness, accident or injury to a patient, attendant, or other.

60. The Senior Overseer of a section shall see that no food or money is given by visitors, without permission, to inmates in his charge, or to the attendant staff, or servants. Overseers shall not permit any direct interchange of letters or messages between inmates and visitors, without the Superintendent's sanction.

61. In the evening at locking-up time the Overseer in charge of a section shall, with the assistance of another Overseer, if on duty, the senior attendant told off to his section and the attendants on day duty, muster all the inmates, examine their clothing and search their rooms to see that they are not in possession of any dangerous articles. He shall count the inmates, and make them as comfortable as possible for the night. He shall see that the doors of the rooms in which inmates are confined are locked securely, and shall hand the keys over to the Head Night Attendant who (with the night attendants) shall satisfy himself that all inmates are securely confined. The Muster Roll shall be sent in by the Senior Overseer on duty to the office nightly.

62. In the morning the Senior Overseer on duty shall, with the day staff of the attendants, and in company with the Head Night Attendant and the night attendants, unlock the doors of the various rooms in his charge, and carefully check the number of inmates.

63. The Overseers shall do their best to induce inmates to apply themselves to some occupation, *e.g.*, gardening carpentry, compound cleaning, etc. All implements used should be collected and locked up at the end of the day, or when not in use.

64. The roster of duty for Overseers shall be arranged by the Superintendent.

65. The Overseer in charge of a section shall produce his stock book each quarter for the Superintendent to examine and sign,

showing, in separate columns, the balance carried over from the previous quarter, the articles worn out or destroyed and those required to complete the stock. He shall maintain the books shown in Appendix V.

66. In addition, Overseers in charge of sections shall prepare the daily diet requisition from the diet sheets. This shall be submitted to the Steward, who shall compile from it his daily diet abstract for the contractor, and include it in the daily diet register, which shall be initialled by the Superintendent.

67. The Overseers shall visit the various sections of the male side at night between the hours of 11 p.m. and 4 a.m. according to a roster prepared by the Superintendent, and posted in the office. (As night visits of different officials should not occur at the same time, the Deputy Superintendent, Overseers and Subordinate Medical Service Officers should arrange between themselves as to the hours of their visits at night.)

68. The Supervisor and two Overseers (according to the roster) shall be present at the morning parade of the attendants.

68-A. *Indian Overseer (Central Mental Hospital, Yeravda)*—

(1) In charge of the Vegetable Garden. Works there from 8 a.m. to 2 p.m. daily and supervision of all work appertaining to the garden in the Hospital.

(2) Male nurse afternoon, evening and night duties according to a Duty Roster arranged by the Superintendent.

(3) Care of patients in general—looking to their food, clothing and cleanliness etc.

69. *The Clerk.*—The clerk shall reside in the quarters provided for him. He shall be responsible for the maintenance of all office records and registers, and for their safe custody.

70. He is prohibited from communicating to any inmate or official any matters connected with their personal records, or any official matters which may come to his knowledge.

71. No patient is on any account to enter or to be employed in the office without the previous sanction of the Superintendent.

72. It is the clerk's duty to see that all the proper documents concerning patients leaving the Hospital are handed over to the escort or friends of the patient.

In all cases, and especially in the case of Military insanes, he shall obtain a receipt from the escort, stating what documents have been taken over.

73. *The Head Attendants.*—The Senior Head Attendant shall exercise a disciplinary control over the attendant staff whether on duty or in the lines. In Mental Hospitals without Overseers his duties shall, under the orders of the Superintendent, include those detailed above for those officials.

74. He shall maintain a report book for the information of the Superintendent and shall submit it through the Supervisor. He shall parade the attendants in the morning, and read out in vernacular, and explain, the orders as given by the Superintendent. (In this duty he shall be assisted by the Junior Head Attendant.) He shall see that the attendants go on duty clean and properly dressed.

75. He shall supervise the cleanliness of the lines, and shall enter in his report book the names of any attendants or servants who misbehave themselves.

76. He shall, under the orders of an Overseer, carry out the locking-up of inmates in the section assigned to him by the Superintendent (*vide* Rules 61 and 62).

77. He shall examine daily the condition of locks, bolts, bars, electric fittings, etc., in the sections assigned to him, and, before 11 a.m., in his report book notify defects to the Superintendent. This report book shall be initialled by the Overseer in charge of the section concerned, and the Supervisor. The Junior Head Attendant shall make a similar examination, and report on the sections assigned to him, to the Senior Head Attendant, who shall enter defects so communicated in his report book. This shall be initialled by the Overseer concerned and the Supervisor.

78. The Head Night Attendant shall make three complete rounds of the male side during the night. He shall keep a report book in which he shall note the names of any patients who have been ill, restless, sleepless, noisy, destructive or who have had fits during the night, and of those who refuse clothes This report shall be submitted to the Overseer in charge of the section and the Supervisor each morning before 7-45 a.m.

79. He shall be present at locking and unlocking. At locking up time shall satisfy himself that all inmates are as comfortable as possible.

80. Should he consider that the attendance of any of the Superior staff is required during the night, the Head Night Attendant shall summon him by telephone, if possible. If not he shall go to the quarters of the official required, and call him personally.

81. *General rules.*—Attendants shall reside in the quarters provided for them and shall not be absent without leave. They must appear on duty in the Hospital uniformed, and no attendant shall be retained in the service who persistently fails to keep himself clean and tidy.

82. Only such attendants as show special fitness and intelligence will be selected for promotion as vacancies occur.

83. Before any permanent engagement is made on the staff there shall ordinarily be a probationary period for six months.

84. Any member of the staff wishing to resign his appointment must give one month's notice of his intention to do so.

85. It is in the public interests that the predominance of one caste or creed or of the members of one family should not be allowed on the establishment.

86. Keys shall on no account be allowed in the hands of any inmate.

87. Patients shall be kept in as clean and tidy a condition as possible. Those who are able to do so shall wash themselves, but the helpless shall be carefully washed at least once a day, and as often as is necessary afterwards. Patients' hair and nails shall be kept clean and trimmed.

88. Any change noticed in the mental or bodily condition of a patient shall be reported by the person noticing it to his immediate superior, and to the Superintendent at the first opportunity.

89. The occurrence of an epileptic or other fit shall be reported to the overseer in charge, and by him to the Subordinate Medical Service Officer in charge of the section, who shall be responsible for entering it in the Epileptic Register or Report Book.

90. Articles capable of being used by patients to the injury of themselves and others, *e.g.*, medicines, disinfectants, knives, tools, pieces of iron, broken glass, rope, string, matches, etc, shall not be left in places accessible to the patients.

91. Should any patient require restraint, the assistance of two or more attendants should be obtained, so that the patient can be secured without damaging himself or others.

92. No patient who has been quarrelsome, violent, or excited during the day, or who is known to be dangerous, shall be placed in a room with other patients at night.

93. Misappropriation of or tampering with the food or property of a patient is forbidden.

94. Particular care should be taken with regard to the food of those patients who are helpless and unable to attend to themselves. Their food should be minced or suitably broken up before giving it to them. They should not be fed too hurriedly, and must be carefully watched during their meals.

95. In the evening the patients shall be collected, mustered and shut up in their rooms under the inspection of the Matron, two Overseers (in their respective sections) and Senior Head Attendants. Each patient (unless specially exempted by the Superintendent), the rooms, and furniture, shall be strictly examined, and any dangerous implements found shall be removed.

96. Female and juvenile patients shall be kept strictly apart from adult male patients, except under special orders of the Superintendent.

97. The Superintendent may at his discretion permit any inmate of the Hospital to go outside for exercise or change. Female patients shall only be allowed outside the female section in company of one of the female nursing staff. The Superintendent may permit any inmate of the Hospital to wear his or her own clothes.

98. Every patient shall, as soon as the Superintendent considers advisable, be vaccinated or re-vaccinated, if he does not present signs of small-pox or of recent vaccination.

99. A Lock-up Register shall be maintained showing the number shut up in each building.

100. On admission of a patient the following procedure will be adopted:—

(*a*) The papers sent with the patient shall be inspected and any discrepancy or incorrectness noted.

(*b*) As soon as possible after he has entered the Hospital he shall be searched, under the orders of Superintendent, and any weapon or dangerous article shall be removed. Women shall be similarly searched by the Matron or nurse on duty.

(*c*) The patient shall be washed, provided with new clothing and examined by a Medical Officer of the day who shall carefully record any signs of physical disease and any injury from which the patient may be suffering. He shall also report the admission as soon as possible to the Superintendent, with a short note as to the condition of the patient.

(*d*) The newly admitted patient shall then be kept apart from other inmates for ten days.

(*e*) Every patient shall be weighed on admission and thereafter once a month.

101. No inmate of the Hospital shall be allowed to leave it without the knowledge of the Superintendent and Deputy Superintendent.

102. All officials shall make themselves thoroughly acquainted with the Hospital Rules. A translation into vernacular of the Rules for Attendants shall be made, and a copy given to each attendant on recruitment.

APPENDIX I.

List showing the "Records and Returns" to be maintained at the Mental Hospitals in the Bombay Presidency.

Name of Records and Returns.	Remarks.
Registers and Books.	
(1) Cash book.	
(2) Register of patients' private money, property and clothing (C. M. 96).	
(3) Register of paying patients.	
(4) Register of petty supplies.	
(5) Register of dead-stock, clothing and hardware (C. M. 118).	
(6) Register of workshop raw materials	To be maintained by such hospitals as have workshops attached to them.
(7) Register of workshop tools, etc. ...	
(8) Register of Petit Fund Patients .	Central Mental Hospital, Yeravda, only.
(9) Register of diets and daily diet sheets (C. M. 97 and 98).	
(10) Register of wines and ærated waters (C. M. 99).	

Name of Records and Returns.	Remarks.
(11) Register of Military insanes.	
(12) Register of garden produce	Central Mental Hospital, Yeravda, only.
(13) Ward Dhobi account book.	
(14) Register of contingent expenditure.	
(15) Paying patients and miscellaneous bill book.	
(16) Patients bill book.	
(17) Petit Fund bill book ...	Do.
(18) Military Fund bill book ...	
(19) General register of lunatics.	
(20) Daily statement of patients.	
(21) Case files of each insane (includes Reception Orders, Medical Certificates, Government Orders, and in the case of criminal insanes discharge orders, etc.).	
(22) Day and Night Report Book.	
(23) Visitors' book.	
(24) Superintendent's order book (includes all orders of the Superintendent regarding internal management of the Hospital).	
(25) Landed property return.	
(26) Register of books.	
(27) Acquittance Roll of establishment.	
(28) Register of surgical instruments and appliances.	
(29) Register of indoor patients.	
(30) Register of deaths in the Hospital.	
(31) Register of expenditure of medicines (Expense book of drugs).	
(32) Autopsy book.	
(33) Book showing patients' weights.	
(34) Inward Register.	
(35) Outward Register.	
(36) Service books.	
(37) Daily Register of employment.	
(38) Register of non-official visitors.	
(39) Account of Putlibai Trust Fund.	N. M. Mental Hospital, Naupada, only.
(40) Register showing the issue of clothes from the Putlibai Trust Fund.	Do.
(41) Register of manufactured articles.	Mental Hospitals Yeravda and Naupada only.

Nature of Records and Returns.	Remarks.
Returns.	
(1) Annual statements with Annual Report.	
(2) Statement showing the expenditure, and savings under the budget grants.	
(3) Detailed monthly bill.	
(4) Annual return of stores.	
(5) Budget—XXVII and 38-Medical.	
(6) Weekly accommodation report.	
(7) Half yearly return of criminal lunatics.	
(8) Monthly return of patients.	
(9) Annual indent of medical stores.	
(10) Annual indent of stationery.	
(11) List of Major and Minor Works.	
(12) Indents for forms and envelopes.	
(13) Detailed statement of establishment as it stood on 1st April.	
(14) Certificates of dead stock.	
(15) Statement of contract contingencies (every five years).	
(16) Tenders.	
(17) Memorandum of the monthly meeting (Visitors' remarks).	
Files.	
(1) Hospital supplies file.	
(2) Public Works Department file.	
(3) Pay file.	
(4) Establishment file.	
(5) Accommodation file.	
(6) Military maintenance charges file.	
(7) Miscellaneous file.	
(8) Maintenance charges file.	
(9) Government Resolutions file (general).	
(10) Government Resolutions file (includes Resolution relating to the management, etc., of Mental Hospitals).	
(11) Blood slides examination file.	
(12) Epidemic reports file.	
(13) Electric Engineer's file ...	Central Mental Hospital, Yeravda, only if required.
(14) Remittance transfer receipt file ..	Central Mental Hospital, Yeravda, only.
(15) General indent file (stationery, forms, etc.).	

Nature of Records and Returns.	Remarks.
(16) Medical indent file.	
(17) Surgeon General's Circulars file.	
(18) Irrigation water supply file.	
(19) Official Visitors Report file.	
(20) Petit Fund file.	... Cental Mental Hospital, Yeravda only.
(21) Attendants weekly posting file.	
(22) Service stamps file.	
(23) Audit notes file.	
(24) *Government Gazette* file.	
(25) Contingent bill file.	
(26) File of chalans.	
(27) File of daily diet sheets.	
(28) File of abstract of daily diets.	
(29) Diaries of cases of sick in hospital.	
(30) Budget file.	
(31) Bai Putlibai Trust Fund file	... N. M. Mental Hospital, Naupada, only.
(32) Garden produce file.	
(33) File of Indian Lunacy Act, Rules and Government orders relating thereto.	

APPENDIX II.

Books and Records to be kept by the Steward.

1. General Cash Book.
2. Register of Patients' Property and Money.
3. Register of Paying Patients.
4. Register of Petit Fund Patients.
5. Register of Military Insanes.
6. Register of Diets.
7. Register of Wines and Ærated Waters.
8. Register of Clothing and Hardware.
9. Register of Dead-stock.
10. Register of Workshop Tools.
11. Register of Expenditure.
12. Register of Garden Produce.
13. Demand and Collection Register of Garden Produce sold to Public.
14. Register of Petty Supplies.
15. Register of Workshop Account.
16. Steward's Daily Report Book.
17. Bill Book of Paying Patients.
18. Bill Book of Petit Fund and Municipal Patients.
19. Bill Book of Military Insanes.
20. Receipt Book.
21. File of Bed Head Tickets.
22. File of Daily Diet Sheets.
23. File of Contract and Countersigned Contingent Bills.
24. File of Requisitions for Petty Supplies.
25. Record of Service Books.

Nature of Records and Returns. Remarks.

26. Register of Poor Fund.
27. Register of Recreation Fund.
28. Register of Special Attendant's Wages.
29. Register of Clothes.
30. Register of Deposits.
31. Register of Forms.
32. File of Vouchers (Contingent).
33. File of Patients' Private Money Vouchers.

APPENDIX III.

Books to be kept by the Matron.

1. The Clothing and Hardware, etc., Account Book.
2. The Matron's Report Book.
3. The Dhobis and Tailors' Account Book.
4. The Patients' Private Clothing Book.
5. Monthly Requisitions for Sundries.
6. Night Report Book.
7. Attendants' Duty Roster.

APPENDIX IV.

Books to be kept by the Supervisor.

1. Night Report Book.
2. Supervisor's Report Book.
3. Register of Employment of Patients.
4. Attendants' Duty Roster Book.

APPENDIX V.

Books to be kept by the Overseer.

1. Clothing and Hardware, etc., Account Book.
2. Dhobis and Tailors' Account Book of Clothing.
3. Patients' Private Property.
4. Monthly Requisition for Sundries.
5. Report Book.

The following diet scales are at present in vogue at the undermentioned Mental Hospitals in the Bombay Presidency :—

1. MENTAL HOSPITAL, AHMEDABAD.

Cereal.

Tuesday, Thursday and Saturday.

	Lb.	oz.	dr.
Wheat flour	0	12	0
Rice—2nd sort	0	8	0
Dall	0	4	0
Ghee	0	[illegible]	0
Vegetables	0	[illegible]	0
Oil, sweet	0	0	4
Salt	0	[illegible]	0
Curry stuff	0	[illegible]	0
Fire-wood	1	[illegible]	0

Milk.

Monday and Friday.

	Lbs.	oz.	dr.
Wheat flour	0	12	0
Rice—2nd sort	0	8	0
Dall	0	4	0
Ghee	0	½	0
Vegetables	0	4	0
Oil, sweet	0	0	4
Salt	0	¾	0
Curry-stuff	0	½	0
Fire-wood	1½	0	0
Milk or curd	0	8	0

Mutton.

Wednesday and Sunday.

Wheat flour	0	12	0
Rice—2nd sort	0	8	0
Dall	0	4	0
Ghee	0	½	0
Vegetables	0	6	0
Oil, sweet	0	0	4
Salt	0	¾	0
Curry-stuff	0	½	0
Fire-wood	1¾	0	0
Mutton	0	4	0

(G.R., G.D., No. 322, dated 2nd February 1926).

2. N. M. MENTAL HOSPITAL, NAUPADA, THANA.

"*B*" (*Parsee*) *Diet.*

		Lb.	oz.	dr.	
1.	Mutton	0	6	0	For all days.
2.	Bread	0	8	0	
3.	Butter	0	½	0	
4.	Curry-stuff	0	¼	0	
5.	Dall	0	2	0	
6.	Eggs	No. 2			
7.	Coal	1	0	0	
8.	Flour, wheaten	0	8	0	
9.	Ghee	0	1	0	
10.	Milk	0	4	0	
11.	Vegetables	0	6	0	
12.	Rice, 2nd sort	0	8	0	
13.	Salt	0	1	0	
14.	Sugar	0	1½	0	
15.	Tea	0	½	0	
16.	Cocum	0	¼	0	

"C" (Indian) Diet.

		Lb.	oz.	dr.	
1.	Cocum	0	¼	0	For all days except Wednesdays and Sundays.
2.	Curry-stuff	0	½	0	
3.	Dall	0	4	0	
4.	Firewood	1	4	0	
5.	Flour, wheaten	0	12	0	
6.	Ghee	0	1	0	
7.	Bread	0	4	0	
8.	Sugar	0	½	0	
9.	Milk	0	3	0	
10.	Rice	0	4	0	
11.	Salt	0	½	0	
12.	Sweet oil	0	¼	0	
13.	Vegetable	0	5	0	
14.	Tea	0	¼	0	
1.	Cocum	0	¼	0	For Wednesdays and Sundays.
2.	Curry-stuff	0	½	0	
3.	Dall	4	0	0	
4.	Firewood	1	4	0	
5.	Flour, Bajri	1	4	0	
6.	Ghee	0	1	0	
7.	Milk	0	4	0	
8.	Mutton, 2nd sort ...	0	4	0	
9.	Rice, 2nd sort	0	4	0	
10.	Salt	0	½	0	
11.	Sweet oil	0	¼	0	
12.	Vegetable	0	5	0	
13.	Sugar	0	½	0	
14.	Tea	0	¼	0	

Milk Diet.

Articles of diet.

		Lb.	oz.	dr.
1.	Milk	3	0	0
2.	Sugar	0	1	0
3.	Firewood	1	0	0

Reduced (Conjee) Diet.

Articles of diet.

		Lb.	oz.	dr.
1.	Milk	2	0	0
2.	Sugar	0	2	0
3.	Firewood	1	0	0
4.	Sago or broken rice	0	3	0

(G.R., G.D., No. 1669/33, dated 16th November 1936.)

3. Central Mental Hospital, Yeravda.

	Lb.	oz.	No.
"A" (European) Diet.			
Mutton on Tuesdays and Saturdays	0	10	0
Fish on Fridays	0	10	0
Beef on remaining days of the week	0	10	0
1. Soup—			
Barley or Dall or Macaroni or Potatoes or Vegetables	0	½	0
2. Pudding—			
Rice or Sago or Custard or Vermicelli or Tapioca	0	1	0
3. Beef or Mutton or Fish	0	10	0
4. Bread	1	0	0
5. Butter	0	1½	0
6. Curry stuff	0	½	0
7. Eggs	0	0	2½
8. Coal	1	0	0
9. Flour wheaten	0	½	0
10. Ghee	0	1	0
11. Milk 6 ozs. for tea and 7 ozs. for Pudding, etc. ..	0	13	0
12. Onions	0	1	0
13. Potatoes	0	6	0
14. Rice, 1st sort	0	4	0
15. Salt	0	½	0
16. Sugar 1½ ozs. for tea and ½ oz. for pudding, etc. .	0	2	0
17. Tea	0	½	0
18. Vegetable	0	6	0
"B" (Parsee) Diet.			
1. Mutton	0	6	0
2. Bread	0	8	0
3. Butter	0	½	0
4. Curry stuff	0	¼	0
5. Dall	0	2	0
6. Eggs	0	0	2
7. Coal	1	0	0
8. Flour wheaten	0	8	0
9. Ghee	0	1	0
10. Milk	0	4	0
11. Vegetables	0	6	0
12. Rice, 2nd sort	0	8	0
13. Salt	0	1	0
14. Sugar	0	1½	0
15. Tea	0	½	0
16. Cocum	0	¼	0

"C" (*Indian*) *Diet.*

		Lb.	oz.	No.
1.	Cocum	0	¼	0
2.	Curry stuff	0	½	0
3.	Dall	0	4	0
4.	Firewood	1	4	0
5.	Flour wheaten	0	12	0
6.	Ghee	0	1	0
7.	Bread	0	4	0
8.	Sugar	0	½	0
9.	Milk	0	3	0
10.	Rice	0	4	0
11.	Salt	0	½	0
12.	Sweet oil	0	¼	0
13.	Vegetable	0	5	0
14.	Tea	0	¼	0

For Wednesdays and Sundays.

		Lb.	oz.	No.
1.	Cocum	0	¼	0
2.	Curry stuff	0	½	0
3.	Dall	0	4	0
4.	Firewood	1	4	0
5.	Flour bajri	1	4	0
6.	Ghee	0	1	0
7.	Milk	0	4	0
8.	Mutton, 2nd sort	0	4	0
9.	Rice, 2nd sort	0	4	0
10.	Salt	0	½	0
11.	Sweet oil	0	¼	0
12.	Vegetable	0	5	0
13.	Sugar	0	½	0
14.	Tea	0	¼	0

(G. R., G. D., No. 822, dated 4th December 1926.)

4. Mental Hospital, Ratnagiri.

Cereal Diet.

Saturday.

		Lb.	oz.	dr.
1.	Boiled rice—noon time	0	8	0
2.	Rice for bread	0	10	0
3.	Bajri for bread for Ghati persons	0	9	0
4.	Dall, toor	0	3	8
5.	Salt	0	0	12
6.	Vegetable	0	5	0
7.	Cocum	0	0	3
8.	Firewood	1	4	0
9.	Curry stuff	0	0	8
10.	Sweet oil	0	0	4
11.	Buttermilk	0	4	0
12.	Kardi oil or ghee	0	0	8

Mutton Diet.

Tuesday, Thursday and Sunday.

		Lb.	oz.	dr.
1.	Rice for noon time	0	8	0
2.	Rice for bread	0	10	0
3.	Bajri for Ghati men	0	9	0
4.	Dall, toor	0	2	8
5.	Ghee or Kardi oil	0	0	12
6.	Salt	0	0	12
7.	Cocum	0	0	3
8.	Curry stuff	0	1	0
9.	Firewood	1	8	0
10.	Sweet oil	0	0	4
11.	Buttermilk	0	4	0
12.	Vegetable	0	4	0
13.	Mutton	0	4	0

Fish Diet.

Monday, Wednesday and Friday.

1.	Rice for noon time (boiled)	0	8	0
2.	Rice for bread	0	10	0
3.	Bajri for bread for Ghati persons	0	9	0
4.	Dall, toor	0	2	8
5.	Vegetable	0	4	0
6.	Salt	0	0	12
7.	Cocum	0	0	3
8.	Curry stuff	0	1	0
9.	Firewood	1	8	0
10.	Sweet oil	0	0	4
11.	Buttermilk	0	4	0
12.	Kardi oil or ghee	0	0	8
13.	Fish	0	5	0

Reduced Diet.

1.	Rice (Conjee)	0	8	0
2.	Sugar	0	2	0
3.	Milk	1	8	0

Milk Diet.

1.	Sago	0	2	0
2.	Sugar	0	2	0
3.	Milk	3	0	0

(G. R., G. D., No. 1669/88, dated 16th November 1936.)

5. MENTAL HOSPITAL, DHARWAR.

Serial No.	Name of article.	Quantity and number of inmates.	Remarks.
1	Rice ...	10 Ounces One.	
2	Wheat ...	10 do. do.	
3	Jawari ...	12 do. do.	
4	Dall (toor) ...	4 do. do.	In a week two Mutton diets, two Milk diets and three wheat diets. On Mutton and Milk diets jawari is given and no wheat. The inmate in a week gets wheat on three days and jawari on four days. The morning meal consists of bread, vegetables and other articles due on respective days.
5	Ghee ...	½ do. on wheat diet. do. ¼ do. on Jawari diet. do.	
6	Salt ...	½ do. do.	
7	Sweet oil ...	4 Drams do.	
8	Curry stuff ...	½ Ounce do.	
9	Vegetable ...	8 Ounces do.	
10	Milk ...	8 do. do.	
11	Mutton ...	4 do. do.	
12	Firewood ...	2 Pounds on Mutton diet, 1 pound and 12 ounces on other diets.	

(G.R., G.D., No. 1669/33, dated 16th November 1936.)

The Surgeon General is authorised to sanction expenditure on spices in respect of all patients taking mutton diet on the days on which such diet is issued to them the charge being met from the "Diet grants" of the hospital concerned.

(G.R., G.D., No. 1669/33, dated 27th February 1937.)

Section IX.

Instructions regarding the admission to and discharge from Mental Hospitals of Civil Insanes in the Bombay Presidency for the information of relatives, etc., who apply to have them admitted.

Insane patients may be admitted after *ascertaining if* accommodation is available :—

(*a*) As Voluntary Boarders [section 4 (*l*) of the Indian Lunacy Act].

(*b*) On a Detention Order for ten days which may be extended to 30 days (section 16 of Act IV of 1912).

(*c*) On a Reception Order on Petition (sections 7 and 10 of Indian Lunacy Act, IV of 1912).

(*d*) On a Reception Order otherwise than on petition (section 14, 15 or 17 of Act IV of 1912).

(*e*) After judicial inquisition (Chapters IV and V of the Indian Lunacy Act, IV of 1912).

2. A voluntary boarder is a person who wishes to enter the Mental Hospital for treatment.

3. A patient who wishes to become a voluntary boarder in a Hospital for Mental Diseases must obtain from the Superintendent a form, which the patient will fill up, sign and have countersigned by two of the official visitors of the Hospital. The application should then be submitted to the Superintendent, who will admit the patient for treatment if he has suitable accommodation available.

4. Voluntary boarders, whose means allow it, will pay at the rates prescribed by Government in paragraph 16 below, but, if destitute, they may be admitted free.

5. Voluntary boarders may leave the Hospital at any time on giving the Superintendent 24 hours' notice in writing.

6. In order that a person suspected of being insane may be detained for observation in a Mental Hospital or elsewhere, such person should be brought before a Magistrate, *vide* sections 13 and 15 and, if no proper medical certificate of insanity is forthcoming, the Magistrate may authorise the detention of the patient for ten days for observation by a medical officer, in suitable custody. The period of observation can be extended by the Magistrate for periods of ten days, but the total detention under this section must not exceed 30 days.

7. The procedure to be followed for admission on a Reception Order on petition is as follows :—The relatives or friends should present a petition to the District or Sub-Divisional Magistrate or a specially empowered Magistrate of the First Class, on schedule form 1, which can be obtained from the Superintendent of a Mental Hospital.

8. The petition must be supported by two medical certificates on schedule form 3, one of which must be made by a Gazetted Medical Officer while the other may be made by a registered practitioner. Each must have examined the alleged lunatic separately from the other. The medical examination of the alleged lunatic in each case must have taken place not more than seven days before the presentation of the petition to the Magistrate.

9. In such cases the petitioner must first engage in writing, to the satisfaction of the Magistrate, to pay the cost (at the scale given below) of the maintenance of the patient in the Hospital, if his means will allow.

10. A patient admitted under a Reception Order on petition can be discharged from the Hospital at any time on application in writing to the Superintendent by the person on whose petition the reception order was made. The patient shall not be discharged however if the Superintendent certifies in writing that he is dangerous and unfit to be discharged.

11. Admission on a Reception Order otherwise than on petition can be obtained (under section 14 of the Lunacy Act) in cases where the lunatic is "wandering" or "dangerous" and is arrested by the police and taken before a Magistrate, or [under section 15 (3)] if the police or others report to a Magistrate that the lunatic is not under proper care and control or is cruelly treated, or neglected by his relatives or other person having charge of him, or under section 17, if in Bombay City.

NOTE 1.—Any money in the possession of a lunatic found wandering at large may be applied by the Magistrate (under section 87) towards the cost of maintenance of the lunatic, or any other expenses incurred on his behalf, and any moveable property found on the person of the lunatic may be sold by the Magistrate, and the proceeds thereof similarly applied.

NOTE 2.—If a lunatic detained in a Mental Hospital (under section 14, 15 or 17) has an estate applicable to his maintenance, or if any person legally bound to maintain such lunatic has the means to maintain him, the authority which made the Reception Order, or any local authority liable for the cost of the maintenance of such lunatic, under any law for the time being in force, may, under sections 88 and 89, apply to the High Court or District Court within the local limits of the original jurisdiction of which the estate of the lunatic is situate, or the person bound to maintain him resides, and obtain orders regarding the payment of the cost of maintenance of the lunatic in the Mental Hospital.

NOTE 3.—A Reception Order ceases to be valid after the expiry of thirty days from the date on which it was made unless it has been acted on within that period and on the discharge of the patient from the Mental Hospital except on transfer to another.

12. Three of the visitors of a Mental Hospital, of whom one shall be a medical officer, may, by order in writing, direct the discharge of any person detained in a Hospital for the Insane,

13. When any friend of a patient detained in any Mental Hospital under sections 14, 15 or 17 desires that the patient should be delivered over to him, he must apply to the authority under whose order the patient is detained. He must also be prepared to enter into a bond (with or without sureties) for such sum as the authority referred to thinks fit (*vide* section 33 of Act IV of 1912), and subject to the condition that the patient shall be properly taken care of and prevented from doing injury to himself or to others.

14. Admission after judicial inquisition is authorised (by section 25 of the Act) provided it is ordered by the High Court (in accordance with Chapter IV) or by the District Court (in accordance with Chapter V of the Act).

NOTE 1.—When any lunatic has been admitted into a Mental Hospital under section 25, the Superintendent of the Hospital may apply (under section 26, to the High Court or the District Court, as the case may be) for an order for the payment of the cost of maintenance of the lunatic, and any sum payable under such order shall be recovered from the estate of the lunatic or of any person legally bound to maintain him.

15. Proceedings in lunacy may cease or be set aside if the High Court (section 60) or the District Court (section 82) finds that the unsoundness of mind of the person concerned has ceased.

16. Fees will be charged for the maintenance of inmates of Mental Hospitals at the following rates :—

(i) A person in receipt of an annual income or salary of Rs. 1,000 or more or who is a member of the family of such person and actually dependent on him, shall when admitted into a Mental Hospital, pay fees according to the following scale :—*Viz.* annas 6 per diem for incomes or salaries of Rs. 100 per mensem, 8 annas for the first Rs. 100 and thereafter 8 annas for each complete Rs. 50 per mensem of income or salary in excess of the above amount subject to a maximum of Rs. 15 per diem.

(ii) In addition to the fees prescribed by sub-rule (i) there will be a daily charge for accommodation in a private ward varying from Rs. 3 to Rs. 5 according to the class of accommodation provided. Special nursing will also be separately charged for at the rates obtaining locally at the time.

(iii) The provisions of sub-rules (i) and (ii) shall be subject to the following exceptions :—

(*a*) Government servants and other persons entitled to free attendance from any member of the medical staff of the Hospital shall be charged half the rates prescribed in rules (i) and (ii). For the purposes of this rule the pay of a Government servant who is on leave shall be the amount which he is actually drawing at the time.

(*b*) Officers and soldiers of His Majesty's Regular Forces and Officers of the Royal Indian Marine shall be charged at the rates prescribed in the Army Regulations, India.

(c) Nothing in the above rules regarding fees shall affect the authority of payments made under section 87, 88 or 95 of the Indian Lunacy Act. (G. R., G. D., No. 322, dated 17th February 1925.)

(iv) The fees due from inmates shall ordinarily be payable monthly in advance. For the purpose of their calculation the day of admission into the Hospital and the day of discharge therefrom shall both be treated as complete days.

(v) If the Magistrate who authorised the detention of an inmate finds after due enquiry that the petitioner or other person who engaged in writing, under clause (*b*) of section 11, to his satisfaction to pay the cost of maintenance of the inmate, has died or has become at any time, on account of insolvency or any other reason unable to continue the payment of the cost of maintenance, he may order a reduction or remission of such cost and inform the Superintendent accordingly.

(vi) A Magistrate who has remitted the cost of maintenance in accordance with clause (v) shall, after due enquiry with regard to the residence of the inmate prior to his admission into the Hospital, issue a fresh maintenance order charging the Municipality or any other Local body of which he was a habitual resident with the maintenance charge at the prescribed rate

17. All forms may be obtained free from Government Medical Officers, and from the Superintendents of Mental Hospitals.

18. All classes of patients may have private servants if accommodation exists, and if they pay for them. These private servants shall be engaged by the Superintendent, and shall work under his control.

19. No one unconnected with a Mental Hospital shall be permitted to enter the Hospital without an order in writing from the Superintendent or Deputy Superintendent. It is within the discretion of the Superintendent to refuse a visitor access to a particular inmate or admission to the Hospital. Visits of friends or relatives to inmates are permitted on the days and the hours fixed by the Superintendent. The Superintendent, or in his absence, his head assistant, may give special permission for visits at other times.

20. All letters to and from inmates must pass through the hands of the Superintendent, who will decide whether they should be delivered to the patients concerned.

(G. R., G. D., No. 322, dated 3rd April 1923.)

Section X.

Other General Orders.

1. The change of designation to "Central Mental Hospital, Yeravda," and other "Mental Hospitals" in the Presidency was sanctioned by the undernoted Government Notification.

[Govt. Notn., G. D., No. 2257 (*a*), dated 26th May 1922.]

2. Lunatics generally retain feelings of affection for friends and neighbourhood and these feelings should be consulted, as far as possible, by confining the lunatics as near their homes as possible.

(G. R., G. D., No. 2399, dated 26th June 1894.)

3. Both Magistrates and Police Officers should co-operate with medical officers in making accurate and complete the information which must accompany certificates of lunacy.

(G. R., J. D., No. 6385, dated 18th Sept. 1900.)

4. Superintendents of Mental Hospitals should use their best endeavours, by communicating with the Judicial Officers who sign the orders for detention or with the certifying Medical Officers, to complete all important deficiencies in Schedule Form 3 and the Medical History Sheet which accompany certificates of the insanity of persons committed to their care.

5. All Registered Medical men are appointed Medical Practitioners under the Lunacy Act, IV of 1912.

(G. R., G. D., No. 245, dated 11th Jan. 1915.)

6. In the case of a Covenanted Civil Servant who is supposed to be insane brought into Hospital, steps should be taken for the assembling of a Medical Board and the procuring of certificates as directed by the Surgeon General.

(G. R., G. D., No. 2478, dated 11th July 1891.)

7. In cases of transfers of lunatics to the Native States the Surgeon General should communicate direct with the Resident or Political Agent accredited to the State concerned with a view to his obtaining the requisite sanction of the Durbar.

(G. O., G. D., No. 8480, dated 3rd Dec. 1918.)

8. The procedure to be adopted in the case of officers of the Indian Medical Service who are invalided on account of insanity is described in the undernoted Government Resolution.

(G. R., G. D., No. 2754, dated 27th May 1909.)

9. Under the Act to amend the law relating to the admission of Indian Military lunatics into Asylums, I of 1901, Indian soldiers on being declared insane should be discharged from the army and thereafter handed over to the civil authorities to be dealt as civil lunatics.

(G. R., G. D., No. 4961, dated 10th Sept. 1902.)

10. The local areas included in the following municipal districts have been declared under section 5 (4) of the Indian Lunacy Act to be areas in which reception orders may be made on petition :—

Ahmedabad,	Poona City,	Karwar,
Kaira,	Poona Suburban,	Alibag,
Surat,	Satara,	Ratnagiri,
Thana,	Malcompeth,	Karachi,
Ahmednagar,	Sholapur,	Hyderabad,
Jalgaon,	Belgaum,	Larkana,
Dhulia,	Bijapur,	Jacobabad.
Nasik,	Dharwar,	

(G. O., G.D., No. 7100, dated 13th Sept. 1915, and Govt. Notn., G.D., No. 7101, dated 13th Sept. 1915.)

11. (1) The provisions of the Indian Lunacy Act, 1912 (IV of 1912) have been made applicable to the administered areas and railway lands lying within the Political Agencies of Kathiawar, Palanpur, Mahi Kantha and Rewa Kantha, in which jurisdiction is exercised by the British Government, and to the Civil Station and Residency of Kolhapur.

(2) The charges on account of lunatics from the Agency areas and Indian States should be recovered from the Agency Funds and the Indian States concerned respectively. The charges on account of lunatics from British territory will be borne by Provincial Revenues.

(3) The powers of Local Government under the Indian Lunacy Act are exercised by the Agent to the Governor General in the States of Western India in the case of the Political Agencies of Kathiawar and Palanpur, and by the Government of Bombay in the cases of the others.

(4) The Mental Hospital at Ahmedabad has been appointed to receive insanes from the areas in the Political Agencies of Kathiawar, Palanpur, Mahi Kantha and Rewa Kantha, and the Central Mental Hospital, Yeravda, for the Civil Station and Residency of Kolhapur.

(G. R., P. D., No. 528, dated 26th Jany. 1923, and Govt. Notn., P. D., No. 811-A, dated 18th Oct. 1925.)

12. The Central Mental Hospital at Yeravda and the Mental Hospital at Naupada, Thana, have been appointed to receive insanes from the Hyderabad Residency Bazars, the Cantonment of Secunderabad, the Cantonment of Aurangabad and the railway lands in the territories of the Nizam of Hyderabad.

(Govt. of India Notn., Foreign and Political Deptt., No. 3802-I. B., dated 14th Oct. 1904.)

13. Lunatics should not be repatriated to India from Iraq unless the previous consent of the Governor General in Council ha

been obtained in each case. The Local Governments will be consulted regarding each individual case as it arises, the incidence of the cost of maintenance being determined, so far as possible in accordance with the general principles indicated in paragraph 3 of the letter from the Government of India cited in the undermentioned Government Resolution. They are—

Lunatics, whose friends and relatives are able to support them in a Mental Hospital and whom it is desired to transfer from Iraq, would be admissible into Mental Hospitals in India after such relatives and friends enter into a bond to bear the cost of the maintenance of the lunatics in a Mental Hospital in India.

The cases of lunatics whose maintenance would have to be provided from Government funds will be decided in accordance with the provisions of sections 89-B (1) (*b*) of the Indian Lunacy Act as amended by the Amending Act of 1922. Under these provisions if any lunatic had obtained settlement in Iraq by residence there for a period of more than 5 years, his repatriation cannot be effected unless the Iraq Government agrees to pay the cost of his maintenance in a Mental Hospital in India.

The repatriation of criminal lunatics should be decided in analogy with the provisions of the Colonial Prisoners' Removal Act, 1884, section 11 (*1*), and the question of the incidence of the cost of their removal and maintenance in Mental Hospitals in India will be decided by the Governments of the British Possession concerned and the Secretary of State.

(G. R., G. D., No. 1241, dated 17th Oct. 1924.)

14. The mere return of a lunatic by the Iraq authorities will not of itself constitute authority for his reception in a Mental Hospital in British India. It will be necessary for the local authorities at the port of arrival to take over the lunatic on his arrival, the date of which under the arrangement contemplated will be known in advance, and to proceed under the appropriate provisions of the Act.

(G. R., G. D., No. 1241, dated 23rd June 1924.)

15. A discharge certificate may, if required, be given to recover insanes of the Royal Navy Reserve.

(Surgn. Genl.'s letter No. B/15967, dated 24th Aug. 1911.)

16. Magistrates should ascertain, at the time of making out a reception order, whether or not the friends or relatives of the patient are or are not capable of contributing the entire cost, or a portion thereof, of the maintenance charges.

(Surgn. Genl.'s memo. No. C/830, dated 9th May 1914.)

17. Magistrates who make reception orders under the Indian Lunacy Act should state from which body and what rate the maintenance charges on account of the lunatics are to be recovered.

(Surgn. Genl.'s letter No. C/709—711, dated 1st July 1915.)

18. As regards the interpretation of the words "any person legally bound to maintain such lunatic" occurring in section 88 of the Lunacy Act, IV of 1912, the Remembrancer of Legal Affairs has given the following opinion :—

"The question of the right to maintenance depends chiefly upon the law by which the parties are governed, and the rules are subject to exceptions, but the following are some of the cases in which a legal obligation to maintain would ordinarily be held to arise :—

Person to be maintained.	By whom or from what property.
Hindu Law.	
1. Wife ...	Husband.
2. Widow (where she is not heir to property of her husband.)	Out of property of which Husband was owner.
3. Father and mother (when necessitous).	Son.
4. Daughter-in-law ...	Out of deceased father-in-law's property.
5. Minor sons and unmarried daughters (provided they cannot maintain themselves).	Father.
6. Persons who by infirmity are excluded from inheritance or coparcenary, such as lunatics and the deaf and blind.	From joint family property (Indian Law Report, 8 Cal. 149 and 919).
Mahomedan Law.	
1. Wife ...	Husband.
2. Father and mother (when necessitous.)	Children.
3. Children who have not attained puberty.	Father.
4. Daughters unmarried and necessitous adult sons.	Parents.
5. Lunatics and incapables ...	Parents.
Generally.	
Ward ...	Guardian."

(G. R., G. D., No. 6132, dated 12th Sept. 1916.)

19. (1) Municipalities are liable to pay at the rate of annas 6 per head per diem for the maintenance of lunatics coming from their respective areas.

(G. O., G. D., No. 2413, dated 11th April 1917.)

(2) The above charges in respect of lunatics who were in a Mental Hospital on 18th May 1915 or have been admitted subsequently will be borne from that date or the date of admission by their municipality from whose area they were sent by the Magistrate, no matter where they previously resided.

(G. Os., G. D., No. 237, dated 11th Jany. 1916, and No. 489, dated 19th Jany. 1916.)

20. Maintenance charges of pauper lunatics removed to Mental Hospitals from municipal areas include all incidental expenses incurred in the removal.

(G. O., G. D., No. C346, dated 12th Sept. 1918.)

21. Charges on account of insane Europeans from Baluchistan admitted into the Central Mental Hospital, Yeravda, will be recovered from the Baluchistan Agency Fund.

(G. R., P. D., No. 4816, dated 21st Aug. 1914.)

22. A subsistence allowance at the rate of Rs. 2-8-0 per diem is allowed for the maintenance of British soldiers admitted into the Central Mental Hospital, Yeravda.

(Govt. Memo., G. D., No. S. 166/3974-B dated 10th April 1935.)

23. European insanes when travelling by rail are provided with second class accommodation.

(G. O., G. D., No. 2865, dated 4th April 1919.)

24. Expenses on account of pauper lunatics sent from a cantonment within the jurisdiction of the Government of Bombay to public lunatic asylums and Mental Hospitals should be paid by the Cantonment Authority according to the minimum charge prescribed in rule No. 18 of the rules published in Government Notification, General Department, No. 322, dated 19th October 1921, *viz.*, annas 6 a day.

(G. R., R. D., No. 1386-24, dated 3rd Dec. 1924.)

25. The Honorary Medical Officer of the N. M. Petit Charity Fund is a certifying medical officer for the purposes of clause 7 of section 3 of the Indian Lunacy Act, 1912.

(G. R., G. D., No. 3614, dated 9th May 1913.)

26. The Railway Surgeon at Igatpuri is a certifying medical officer, for the purposes of clause 7 of section 3 of the Indian Lunacy Act, 1912. He is also a medical officer for the purposes of section 464 of the Code of Criminal Procedure, 1898, within the limits of the district of Nasik.

(G. R., G. D., No. 3891, dated 20th May 1913, and G. R., J. D., No. 3982, dated 2nd June 1913.)

27. The Government of India have decided that the following procedure will be adopted in adjusting expenditure connected with the maintenance of military lunatics in Indian Civil lunatic Asylum :—

(*i*) In the case of lunatics still in the service of the Army in India, the debit for the maintenance charges will be raised by Civil Accountants General concerned against the Controller of Military Accounts who audits their pay and allowances for adjustment as a charge against the Army estimates.

(*ii*) In the case of lunatics from Iraq and Palestine still in the service of the Army, maintenance charges will be debitable by the Civil Accountants General concerned to the nearest Controller of Military Accounts for recovery from His Majesty's Imperial Government (Air Ministry) by preferring claims against the Command Accountant, Iraq Command, Hinaidi, in the case of men from Iraq and by raising debits through the outward London account current in the case of men from Palestine.

(*iii*) In the case lunatics discharged from the army whose disability has been certified as definitely attributable to or aggravated by service in the Great War, 1914, as also in the case of lunatics who, on return from service in the overseas theatres after the war, have been discharged from the Army, maintenance charges will be debited by the Civil A. G. concerned against the Controller of Military Accounts and Pension, Lahore or the Controller of Military Accounts, Burma District, as the case may be, for adjustment as a charge against the Army Estimates.

(*iv*) In all other cases of lunatics discharged from the Army, the charges will be borne by the Civil Estimates in the same way as similar charges for non-military men.

28. (1) As regards the incidence of the cost of removal of non-criminal pauper lunatics from India to the United Kingdom and *vice versa* the Government of India have stated that the established practice of the India Office is to decline to accept liability for the cost of repatriation from the United Kingdom to India of pauper Indian lunatics, other than seamen. Charges in certain cases are debited to the Indian revenues in view of the provisions of section 185 of the Indian Merchant Shipping Act, 1894, and in cases to which that section is not applicable, the liability for maintaining Indian pauper lunatics in the United Kingdom rests with the local authorities. As regards Indian mental patients deported from other countries, the deporting country meets the cost of repatriation. Similarly, Indian revenues will continue to meet the cost of repatriation to their country of origin, including the United Kingdom of mental patients belonging to other nationalities.

(2) As regards the question of the incidence of the cost falling on Indian revenues as between Central and Provincial under section 3 (2) of the Indian Lunacy Act, 1912, the cost of maintenance includes the cost of removing a lunatic to and from a hospital. If the patient is unable to maintain himself, the cost of maintenance in the case of a person not domiciled in India falls on the province in which the reception order was made. The Government of India is, however, prepared, as in the past, to meet the cost of a free passage to England, including maintenance charges on voyage, in the case of pauper European lunatics deported from this country.

(G.R.., G.D., No. 6142, dated 3rd April 1925.)

29. A Collector and District Magistrate, if unavoidably absent, may authorise any Assistant or Deputy Collector to act as visitor in his place.

(G.R., G.D., No. 2988, dated 18th May 1911.)

30. Causes of death should be noted in the quarterly abstract of patients submitted to the Surgeon General by Superintendents of Mental Hospitals.

(Surgn. Genl.'s letter No. B/370, dated 11th Jan. 1911 and memoranda Nos. B/1142 and B/1146, dated 24th Nov. 1911.)

31. In order to reduce to a minimum the risk of thefts it has been directed that money should, if possible, not be drawn from the Treasury until the date of payment. At the same time the arrangements at Mental Hospitals should provide adequately for the safe custody of money and valuables up to the value of at least Rs. 500.

(G.R., G.D., No. 2370, dated 4th May 1900.)

32. The Superintendent, Central Mental Hospital, Yeravda, exercises the same powers as the Surgeon General as regards the purchase of books, newspapers and other publications subject to the limitation that the amount of his budget grant is not exceeded.

(G.R., F.D., No. 894, dated 27th Feb. 1909, and G.R., G.D., No. 4372, dated 31st July 1911.)

33. Superintendents of Mental Hospitals are empowered to write off the unserviceable articles of clothing, etc. without the previous sanction of the Surgeon General.

(G. O., G. D., No. 8424, dated 8th Oct. 1919.)

34. (1) The late Mr. Harkisandas Narotamdas has placed at the disposal of Government a sum of Rs. 30,000, set apart by his mother, the late Bai Putlibai for charitable purposes in connection with the Naupada Mental Hospital. The income is to be devoted towards supplementing the diet, clothing and medical comforts provided in the institution and towards providing such forms of amusement or entertainment as would not only amuse, but if possible help to cure or relieve the mental ailments from which high-class Hindus or other inmates of the Hospital might be suffering.

(G.Rs., G.D., No. 2438, dated 5th May 1897 and No. 1838, dated 29th March 1898.)

(2) The following further sums have been added to the endowment :—

Rs. 1,500—G.O., G.D., No. 6653, dated 13th November 1911.

Rs. 500—G.O., G.D., No. 7078, dated 10th September 1915.

Rs. 100—G.R., G.D., No. 3196, dated 12th October 1922.

35. Dr. A. M. Dotivala, L.M. & S., retired Assistant Surgeon of the Bombay Medical Service, has given Rs. 500 for an endowment as follows :—

(1) The endowment fund shall be known as "the Major General W. E. Jennings Prize Fund".

(2) The income accruing from the fund shall be administered by the Surgeon General with the Government of Bombay and the Superintendent, N. M. Mental Hospital, Naupada, for the time being.

(3) The income accruing from the fund shall be devoted annually to the grant of a prize or prizes for proficiency in nursing the insane to one or more attendants of the N. M. Mental Hospital, Naupada. The prize or prizes shall be of such amount or value and shall be granted in such manner as the Superintendent, N. M. Mental Hospital, Naupada, may in his discretion think fit.

(G.R., G.D., No. 3290, dated 23rd June 1923.)

36. Bai Avabai Framji Petit has given under certain conditions, a donation of Rs. 20,000 for the provision of separate accommodation for Parsi Lunatics in connection with the Central Mental Hospital at Yeravda.

(G.Rs., G.D., No. 2522, dated 12th May 1900 and No. 4134, dated 28th July 1902).

37. An annual donation of Rs. 600 is made from the Jeejeebhoy Dadabhoy Charity Fund for the benefit of poor Parsi patients at the Central Mental Hospital, Yeravda.

(G.R., G.D., No. 3261, dated 28th July 1925.)

38. Advance copies of the returns appended to the Annual Report on Mental Hospitals should be supplied to the Director General of Statistics.

(G.R., G.D., No. 5886, dated 27th Oct. 1897.)

The accounts of the Central Mental Hospital at Yeravda are audited by the Accountant General's auditors annually.

(G.Rs., G.D., No. 840, dated 18th Feb. 1904 and No. 4609, dated 31st Aug. 1904.)

39. The establishment of attendants at Mental Hospitals should be recruited on the basis of one attendant to six patients of the Hospital population.

(G.Rs., F.D. No. 1927, dated 1st June 1912, No. 2543, dated 2nd July 1913, No. 28, dated 3rd Jan. 1914 and No. 2321, dated 2nd June 1914.)

40. (1) The Superintendents of Mental Hospitals should maintain a register of next-of-kin of all insane patients in the hospitals and intimation of death of insane patients should be sent immediately to such next-of-kin.

(2) The dead bodies of paying patients in Mental Hospitals should be handed over to relatives or, if for any reason the relatives are unable to arrive in time to take over charge of the dead body, it should be given a decent burial or cremation, as the case may be, the cost of such burial or cremation being subsequently recovered, if possible, from the next-of-kin.

(3) The dead bodies of pauper patients in Mental Hospitals should be handed over to the authorities of the local Government medical schools for dissection if they are not claimed either by relatives or by any communal organisation that may exist for dealing with unclaimed bodies.

(G. R., G. D., No. 507/33, dated 26th March 1936.)

Section XI.

Orders regarding Criminal Lunatics.

1. Before sending any lunatic to a Mental Hospital, Criminal Courts in the mofussil and the Commissioner of Police, Bombay, should ascertain from the Superintendent of the Mental Hospital whether accommodation is available, specifying at the same time the sex, race and caste of the lunatic.

(G. R., G. D., No. 3865, dated 6th June 1917.)

2. In cases where insane persons are brought before Magistrates charged with a criminal offence, Government have ruled that all Medical Officers in independent charge shall be considered competent to give evidence under section 464 (*1*) of the Code of Criminal Procedure, V of 1898.

3. With a view to prevent delay in the disposal of applications for sanction to the transfer from a Jail to a Mental Hospital of a convict who has been declared to be insane, Government have directed that in future all such applications should be submitted *direct to the Secretary to Government, Judicial Department,* with all the papers* complete, by the Superintendent of the Prison after he has ascertained by telegram from the Superintendent of the nearest Mental Hospital that accommodation is available therein for the lunatic. In the event of there being no accommodation in the nearest Mental Hospital he should communicate by telegram direct with the Surgeon General and ascertain in what other Mental Hospital the lunatic can be confined. Information on this point should invariably be given in the application to Government.

*1. Nominal Roll.
2. Copy of Warrant.
3. Medical Officer's certificate Form A.
4. Revised form of Medical History Sheet.
5. A copy of the judgment if called for by the Superintendent of the Mental Hospital.

(G. R., J. D., No. 3070, dated 4th June 1903.)

4. All cases in which a lunatic is confined under section 30 (*1*) of the Prisoners Act, III of 1900, the number and date of the orders of Government under which such lunatic is confined as well as the date of his sentence and the term of imprisonment should be stated in the column of remarks in the tabular statement appended to the half-yearly reports.

(G. R., J. D., No. 6340, dated 17th Sept. 1896.)

5. If a criminal lunatic is fit to make his defence he should immediately be sent before the Magistrate concerned to stand his trial and the "remarks" column of the return should show that such action has been taken or is intended.

(G. R., J. D., No. 953, dated 18th Feb. 1903.)

6. The reporting of casualties among criminal lunatics should be followed also in the case of lunatics transferred from Prisons and Jails, who have on the expiration of their sentences, been further detained in the Mental Hospital under the provisions of the Prisoners Act.

(G. R., J. D., No. 3838, dated 2nd June 1900.)

7. A Civil Surgeon is bound to comply with an order of a competent Court requiring him, either under the Criminal Procedure Code or Act IV of 1912 to examine an alleged lunatic. The question of awarding costs under the latter Act, including such fees for examination and attendance as may be reasonable, is entirely one for the Court; but the fact of a Medical Officer selected for the duty of examination being in the Government service need not be held to debar him from receiving fees otherwise payable. It is impossible for Government to prescribe a scale of fees for the guidance of the Courts in all cases, but as a general rule it may be found convenient to adopt a fee of not less than Rs. 30 for the examination of a lunatic in a civil suit or a legal procedure and a fee of Rs. 10 for each visit after the first examination up to a maximum of five fees.

(G. R., G. D., No. 816, dated 10th Feb. 1898.)

8. No maintenance charges of criminal lunatics confined in Mental Hospitals are recovered from their relatives.

(Govt. letter, J. D., No. 4238, dated 28th May 1919.)

9. The maintenance charges of pauper criminal lunatics are not borne by the Municipalities.

(G.O., G. D., No. 7553, dated 29th Sept. 1915.)

Section XII.

Transmission of Lunatics to England.

1. (1) In accordance with the wishes of the Secretary of State for India, the following instructions have been issued for the guidance of Local Governments as to the circumstances which warrant their sending insane paupers to England, and as to the manner and time of sending them.

(2) Insane persons not being of Europeon parantage should under no circumstances be sent to England, and even lunatics of European parentage should be deported only in cases where their transfer is likely to promote their recovery, or where there is reasons to believe that they have relatives in the United Kingdom who will be able and willing to bear the cost of their maintenance. Persons who, though of European parentage, have been born in India, and spent their whole lives in this country, ought not to be deported to England, unless they have an unquestionable settlement somewhere in the United Kingdom. It is clear that no benefit to lunatics who are not British-born subjects can, as a general rule, arise from their transfer from the land of their birth to a country where the climate is so different from what they have been accustomed to, where they have no friends, and where all old associations must be wanting; while on the other hand, the expense incurred in maintaining them in Mental Hospitals in England must be considerably greater than if they were retained in Mental Hospitals in India.

(3) It is of great importance that the most accurate information should be collected regarding the medical history of every insane patient sent to England, and that this information, together with full particulars concerning his relatives, should be transmitted to the Secretary of State, in anticipation of the departure of the insane person from India, in order that the necessary communications may be sent to the relatives (if any), as well as to the Police Authorities, advising them of the expected arrival of the insane person in England on or about a given date. Copies of these documents should also accompany the patient in each case. The responsibility of Maintaining these lunatics in England rests on the Poor Law Guardians, and these authorities should be enabled before the patient's arrival, as far as possible, to discover the parishes of all those who may possess a settlement, original or derivative, in the United Kingdom. All such persons on reaching the United Kingdom will be treated as ordinary paupers, and will be dealt with as such, not by the Secretary of State for India or under his orders, but by the Police and Poor Law Authorities of the country.

(4) The Government of India have decided that Bombay shall be the only port of embarkation for civil lunatics. In arranging for the deportation of lunatics, it should be borne in mind that under the terms indicated in the despatch marginally noted, the Indian troopships can, to a certain extent, be utilised for carrying insane paupers to England at a very small cost.

From Secretary of State to Government of Bombay No. 1 (Public), dated 26th February 1880.

(5) These instructions, which are issued in substitution for those contained in the Resolution of the 30th April 1886, relate solely to the civil insane persons who are paupers and not to insane seaman, who will continue to be sent in accordance with the instructions issued by the Board of Trade under the provisions of the Merchant Shipping Acts. Insane prisoners and criminal lunatics are deported under the provisions of the Colonial Prisoners Removal Act, 1884; and the orders and directions of the Government of the Presidency in which such persons are in custody must under that statute be conveyed to the commanders of vessels and others whom the care or custody of such persons may be committed as a warrant and authority for their removal to England. In the event of the necessity arising for sending for India to Europe distressed insane person who are not British subjects, application should be made to the consuls or other representatives in Irdia of Foreign Governments to which the lunatics owe allegiance for the conveyance of such persons direct to their own country. If no such assistant should be available, it will be necessary to extend to those non-British subjects the same consideration as is given to British subjects who are insane.

(G. R., G. D., No. 3930, dated 10th Nov. 1886.)

2. Whenever it is proposed to send an insane to England, in accordance with the orders quoted above, a communications is addressed to the Secretary of State by post in time to enable the India Office to make the necessary arrangements for his disembarkation in England. Copies of the nominal roll and of the statement of the case of the insane are also forwarded with the despatch. Copies of the papers relating to the embarkation of the insane are subsequently forwarded to the Secretary of State. Occasionally when it is not possible to inform the Secretary of State by post beforehand, a telegram is despatched to him, intimating the embarkation of the insane and the subsidiary papers are forwarded about the same time to the India Office.

3. Cases of all civil lunatics requiring passages to England (non-entitled) on transports should be referred by the Surgeon General to the local military authority at Bombay who will if necessary apply to the Quarter-Master General in India for sanction.

(G. R., G. D., No. 2259, dated 13th April 1911.)

4. In any case in which accommodation on a transport is not available, the question as to how the lunatic should be sent to the United kingdom should be referred to the Government of India.

(G. R., G. D., No. 8995, dated 8th Dec. 1913.)

Section XIII.

Appointments, Pay and Allowances.

1. There is one appointment of Superintendent, Central Mental Hospital, in this Presidency, *viz.*, that at Yeravda, and it is held by an Indian Medical Service Officer. The pay is according to the scale laid down for Officers of this class in civil employment.

(G. R., G. D., No. 2596, dated 10th March 1921.)

2. Officers desirous of becoming candidates for employment as Superintendent of a Central Mental Hospital should submit their applications to the Director General, Indian Medical Service, for registration through the prescribed channel.

(G. R., G. D., No. 5117, dated 28th Sept. 1903.)

3. There is a full time Superintendent at the Narotamdas Madhavdas Mental Hospital at Naupada, Thana. The appointment is included in Bombay Medical Service Class I, Division II and carries a scale of pay of Rs. 350—25—400—30—550—efficiency bar—585—35—760—Efficiency Bar—805—45—850. (Probationers Rs. 300 for 2 years).

The post of a Honorary Physician has been sanctioned at the Narotamdas Madhavdas Mental Hospital, Naupada, Thana. He is to attend the Hospital twice a week for which he is paid Conveyance allowance of Rs. 25 per mensem.

(G. R., G. D., No. 1491/33, dated 16th October 1936.)

4. There are collateral charges attached to the Civil Surgeoncies, with an allowance of Rs. 150, at Ahmedabad, Dharwar and Ratnagiri.

5. The following is the scale of allowances for collateral charges according to the capacity of the institutions :—

	Allowance. Rs.
Capacity not exceeding 75 patients	... 50
Capacity from 85 to 150 patients	... 100
Capacity from 150 to 250 patients	... 150
Capacity above 250 patients	... 250

(G. R., G. D., No. 2341, dated 6th July 1888.)

6. (1) The Military Assistant Surgeon at the Central Mental Hospital, Yeravda, draws the staff allowance admissible to Deputy Superintendents of Central Lunatic Asylums.

(G. R. G. D., No. 5054, dated 12th Sept. 1905.)

(2) The scale of staff allowance is given below :—

		Rs.
For first three years in the Department		... 50
From 4 to 9 years	do.	... 75
From 10 to 16 years	do.	... 100
Over 16 years	do.	... 150

The same rates are allowed for duty at a minor Mental Hospital and the period counts for increment at a Central Mental Hospital.

(G. R., G. D., No. 3861, dated 29th May 1908.)

7. The Subordinate Medical Service Officers attached to Mental Hospitals are granted a special pay of Rs. 25 per mensem for special nature of work.

(G. R., G. D., No. 9137 (a), dated 26th Oct. 1936.)

8. Subordinate Medical Service Officers will be deputed to the Central Mental Hospital, Yeravda, for special training for a period of four months each before they are posted to any of the Mental Hospitals. The Subordinate Medical Service Officers while under training will be entitled to a special pay of Rs. 15 per mensem each.

(G. R., G. D., No. 1486/33, dated 10th Sept. 1936.)

9. (1) Head warders and head wardresses in Mental Hospitals are allowed to count the whole of their service, including that on Rs. 10 or less, as "superior".

(G. O., G. D., No. 4714, dated 11th July 1916 and Rule 9 (27) of the Bombay Civil Service Rules.)

(2) All warders at Mental Hospitals are to be called attendants.

(G. O., G. D., No. 8339, dated 5th Aug. 1920.)

(3) The service of attendants at Mental Hospitals is classed as "Superior" under Rule 9 (27) of the Bombay Civil Service Rules.

10. The Stewards at the Yeravda and Naupada Mental Hospitals have to give security to the amounts of Rs. 2,500 and Rs. 1,000 respectively.

(G. Rs., G. D., No. 4428, dated 11th Aug. 1905, and No. 931, dated 8th Feb. 1907, and F. D., No. 2120, dated 27th May 1913.

11. The Assistant Steward at the Central Mental Hospital, Yeravda, has to give security to the amount of Rs. 1,000.

(G. O., G. D., No. 9180, dated 26th July 1921.)

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